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ABSTRACT

This document consists of lesson plans for teaching junior high school students about the U.S. Constitution. Lessons are derived from teaching methods that instructors have found useful and appropriate for the actual condition of the ordinary classroom, and account for the characteristics and needs of the early adolescent. The document includes a preface, a foreword to the teacher, acknowledgments, and a rationale for the lessons. Chapters include: (1) "Fundamental Concepts"; (2) "Roots of the Constitution"; (3) "Writing and Ratifying the Constitution"; (4) "Constitutional Change"; (5) "Federalism"; (6) "Separation of Powers"; (7) "Limited Government"; and (8) "Culminating Activity." Chapter subheadings address basic concepts, such as federalism and checks and balances, and go on to illustrate them with case precedents, other legal problems, and role playing and other learning activities. (SG)

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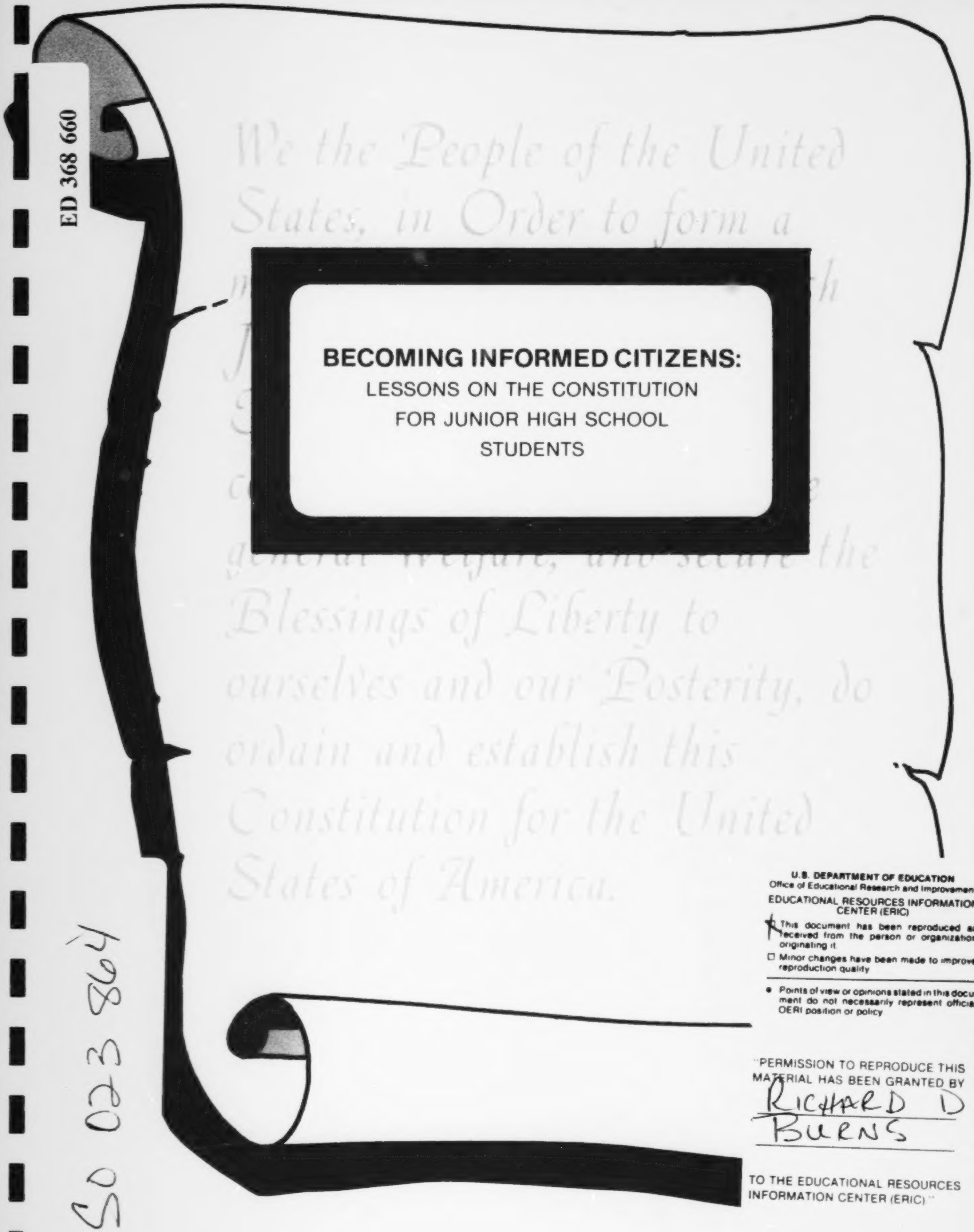
We the People of the United
States, in Order to form a
general Welfare, and secure the
Blessings of Liberty to
ourselves and our Posterity, do
ordain and establish this
Constitution for the United
States of America.

BECOMING INFORMED CITIZENS:

LESSONS ON THE CONSTITUTION FOR JUNIOR HIGH SCHOOL STUDENTS

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BECOMING INFORMED CITIZENS

Lessons on the Constitution for

Junior High School Students

Kenneth A. Wagner

John T. Hyland

Donald O. Dewey

Virginia S. Rettinger

CALIFORNIA STATE UNIVERSITY,
LOS ANGELES

Funding for preparation of these lessons is provided by the Commission on the Bicentennial of the United States Constitution

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PREFACE

This project was born in 1983 when the authors, representing both university and secondary education, met to discuss their dissatisfaction with the teaching of constitutional issues in the eighth grade history curriculum. They then began discussions with administrators and teachers in the Los Angeles Unified School District to determine that their views were widely shared.

From these discussions we were able to pinpoint key teachers who would be "facilitator teachers" in the projects we were planning. In 1985 and 1986 the National Endowment for the Humanities funded summer institutes which focused on the ideas of the American Constitution and on ways of introducing those ideas in the eighth grade classroom. These institutes were jointly sponsored by California State University, Los Angeles and by the Los Angeles Unified School District. The culminating experience of each institute was the presentation of curricular plans which had been prepared by the participating teachers to aid in teaching the substantive historical material they had learned about the Constitution.

In the year following each institute the authors met on a weekly basis with the "facilitator teachers" and with some other teachers to discuss the curricular plans, to test-teach them before the group and the video camera, and to field test them in classrooms.

These lesson plans are the fruits of this project. We hope they are as tasty and nourishing to your students as they have been to us.

FOREWORD TO THE TEACHER

The preparation of lessons on any subject is difficult because the persons preparing the lessons are not in precisely the same setting as the readers who actually intend to use the lessons. Keeping this difficulty in mind, we have prepared a series of lessons about the Constitution for Junior High School students, which emphasize significant aspects of American Constitutional history. We have always kept in mind that it is the classroom teacher in a particular school setting who will make the difference in determining how effectively students learn about the Constitution.

Work on these lessons was done during the period from August 1985 to December 1987. The lessons were created, developed and tested by eighth grade teachers and they are grounded firmly in the actual experiences of teachers in the classroom. The lesson on "English Influences on the Constitution" (Chapter II, lesson E), for example, is built on the idea of rules for a club which eighth grade students can readily grasp and link to rules which were established in the Magna Carta, Petition of Right, and the English Bill of Rights. The lesson on "Writing the Constitution: A Reenactment" (Chapter III, lesson D), as another example, provides a culminating experience through which eighth grade students can learn the major decisions made at the Constitutional Convention and the importance of the individual in determining history.

The lessons are built on teaching approaches which teachers have found useful and appropriate for the actual conditions of the ordinary classroom. These lessons also include approaches which eighth grade teachers recognized as innovative and pioneering. The lesson on "Federalism, the Concept" (Chapter V, lesson A) is built on the model of concept attainment as well as the use of a memory aid and the use of metaphor to evaluate student understanding. Lessons A and B of Chapter VI use problem solving techniques as a means to develop critical thinking skills. Lesson E in Chapter VI teaches students how to distinguish facts from values, how to identify, clarify and analyze issues, and how to conduct an inquiry and form a judgment. Throughout the lessons there are puzzles in the form of sentences with incorrectly sequenced words. These puzzles, known as anagrams, assist the teacher in assessing student achievement and provide a measure of the level of student comprehension.

These lessons on the Constitution take into account the characteristics and needs of early adolescent students. Difficult concepts are introduced using concrete and clear examples. Students first learn the meaning of general concepts such as Government, Law, and Constitution (Chapter I, lessons A, B, C, and D), then they proceed to examine issues and events surrounding the History of the United States Constitution (Chapter II, lesson A, and Chapter III, lessons A and C, among others). Finally students are introduced to complex concepts such as the amendment process (Chapter IV, lessons A, B, and C) and judicial review (Chapter IV, lessons D and E) as well as limited government, civil rights and liberties (Chapter VII, lessons A, B, and C).

Throughout the lessons students are viewed as active learners. Opportunities are frequently provided for individual desk work, group discussion, role playing, and writing. These lessons are designed on the premise that students bring a rich and varied set of experiences to the classroom and that these experiences can be used by the teacher to help students understand important new facts and ideas. The advanced organizers used in Chapter II, lessons A, D and E, Chapter III, lesson A, and Chapter V, lesson A, use students' experiences as a means to help them understand the subject matter. Teacher-student discourse is also an essential ingredient. Teachers have long known that recitation, "**talking at**" students, does not work well and that "**talking with**" students is the key to successful communication in the classroom. The teachers' use of oral questions is central to teaching, but we have in mind questions of a particular sort. Questions can either assess or assist. For the most part, we are interested in the teachers' use of questions which **assist student thinking**. We call this process **responsive questioning.** Responsive questioning, to be successful, requires the teacher to take students' statements seriously, to wait and allow students time to reflect on their responses, to be prepared and receptive to novel and unique student interpretations, and to assist the students in expressing their understanding in light of their own experiences. The purpose of responsive questioning is to assist students to think and conceptualize in a way which they would not be able to do independently of the teacher. The highly conceptual nature of political science and history surrounding the United States Constitution virtually requires the use of responsive questioning during teacher-student discourse. Chapter II, lessons B and C illustrate how responsive questioning may be used to assist student learning.

Teachers who make use of these lessons will find that the actual text of the Constitution serves as a continuing primary source. Students not only learn about the Constitution but they make use of the concepts of the document as they seek answers to questions. While students complete lessons which give a broad overview of the Constitution, they also focus on specific articles and clauses. When in the presence of the teacher who provides assisted performance learning opportunities, early adolescent students are at an ideal age to work with a primary source such as the Constitution.

The eight chapters in this book are organized in a similar format. Chapters begin with a brief overview, then each lesson begins with a statement of objectives and purpose, followed by guidelines for instruction, teaching the content, and closing the lesson. Where necessary, teacher resources and student worksheets and materials are included. Student materials can be duplicated or used as transparencies on an overhead projector. These lessons are intended to supplement the traditional textbook commonly used in most social studies classrooms. The lessons treat important concepts in depth. Some of the lessons, such as those on federalism, treat concepts which are rarely treated adequately in textbooks. Furthermore, the lessons are based on the premise that teaching about the Constitution is of such importance that lessons about the Constitution merit being presented at many times in the course of the school year. Students are more likely to master concepts and facts regarding separation of powers, division of powers, federalism and limited government if they have the opportunity to study these concepts in the light of historic events which have shaped them. We believe that United States History and Civics at the Junior High School level can appropriately be taught with a focus on the Constitution.

The lessons can be taught as they have been presented in this book or they may be modified and adjusted to suit the needs and judgment of the individual teacher. We prefer that they be modified and adjusted whenever teachers are convinced that their students' needs require such change. We believe the teachers' use of and work with these lessons will lead to a natural and healthy improvement of the lessons. We recognize that the lessons will be changed in form and substance as the teacher masters and takes ownership of the material. Indeed it was a process of peer collaboration involving constant lesson revision and enrichment that became our "way" to create these lessons. In the development of these lessons we adopted a process of action research in which we followed the steps of planning, teaching, observing, and reflecting. We asked ourselves key questions constantly: What went well? What are the problems? What would we do differently? While developing these lessons we learned not to patronize one another, but to focus on the topic of the lesson. We became "critical friends" suggesting changes, improvements, and modifications. Of course that is what teaching is all about and we hope that these lessons will spark many hours of bright and rewarding teaching.

ACKNOWLEDGMENTS

Many members of the two bicentennial institutes held on the campus of California State University, Los Angeles made contributions to these lessons. These teachers and their school districts include: Raymond Chavez, Victor Romero and William Yee from Alhambra, Henry Quan from Pasadena, Sharon Litsey from Arcadia, Dawn Weldon from Downey, Lisa Alexander and Beverly Elledge from Redondo Beach, Judith Lathrop from Newhall, James Mellein, Pamela Norwood from Compton, Joan Richardson from Pomona, Norma Reddington from Whittier, Hin Wah Wong from Hong Kong, and James Barrett, Dallas Blair, Ann Bourman, Susan Busch, Lenna Coomber, Mildred Cunningham, Merle Cunnington, John DeGuenther, Thomas Doyle, William Garcia, David Gaughen, Debra Hicks, Alyce Hurt, Robert Jones, Barry Krugel, Marlene Lee, Richard Leon, Brad Ludwick, C. W. McDonald, Joanne Margolese, Paul Moore, Walter Nichols, Anthony Ortiz, Robert Perkins, Jr., Sharon Pippen, Antonio Reveles, Esther Robinowitz, Jaime Romo, Richard Root, Laurie St. Gean, Dave Sweeney, Solveig Villicana, Jeannie Washington, Harriet Watson, Bettie Williams, and Marion Wong--all from Los Angeles Unified School District.

During the 1985 institute, Robert Miller from Dodson Junior High, Paul O'Grady from Stevenson Junior High and Mary Sambar from LaCresenta Junior High served as three of the facilitator teachers who directed a group of colleagues while they developed lessons based upon the substantive materials presented by institute professors. During the 1985-86 school year Mike Diamond and John Liebling from Stevenson Junior High test-taught several lessons in their classrooms and met regularly with the authors to evaluate the results. Paul Vernon from Adams Junior High and Ruben Zepeda from Millikan Junior High served in this same capacity during the 1986-87 school year. In addition John Liebling served as a facilitator teacher during the 1986 institute.

Gerald Gandolfo from John Glen High in Norwalk and Kirk Randolph from Center Intermediate School in Azusa attended the 1985 institute, test-taught lessons during both the 1985-86 and 1986-87 years, and served as facilitator teachers during the '86 institute.

Three teachers from Region G of Los Angeles Unified School District--Carol Enseki from Hollenbeck Junior High, Trudy Hatter from Griffith Junior High, and Stanley Yellin from Adams Junior High--have worked with us from the beginning. They participated in the planning and the implementation of all components of this project. Each served as a facilitator teacher during both institutes and each has tested several lessons in his/her own classroom. These three teachers and John Liebling also permitted the authors to pilot test lessons in their classrooms.

The success of the Constitution Institutes and the subsequent development of these lessons has depended on the support and cooperation of administrative leaders of the Los Angeles Unified School District.

Dr. Ruben Zacarias, Associate Superintendent of School Operations, was instrumental in the development of this project. It was Dr. Zacarias who first authorized the development of the project within the Administrative Region G Junior High Schools and he continuously provided additional funds and services in order to assure that the project would be successful.

Mrs. Evangelina R. Stockwell, Administrative Region G Superintendent, has also been instrumental in maintaining support for the project.

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Of course, all of the above are absolved of any errors of commission or omission that remain in the text.

The Authors
December 1987

RATIONALE FOR THE LESSONS

Why Teach United States History and Civics with a Constitutional Focus?

The basic premise of these teaching materials is that United States history and civics classes in junior high school should be taught with a focus on the Constitution. Not only should students study a unit on the Constitution, as is commonly done in most classes at the present time, but every other unit which is taught throughout the school year should be explicitly designed with the Constitution in mind. There are three good reasons which support this premise.

Reason #1: Civic education is the central purpose of United States history and civics courses in junior high school.

Although multiple perspectives exist on the precise meaning of citizenship education, there is little doubt that the central purpose of the junior high school curriculum is the civic education of American youth. Studies in United States history and the Constitution are mandated throughout the United States and constitute a "curricular commonplace" in the social studies of American youth (White, 1981, pp. 63-88). Even more significant is the fact that guidelines for instruction and course outlines routinely refer to the importance of teaching students about United States history **so that they will become responsible citizens.**

However, the various arguments for citizenship education are not straightforward. On the surface every society has expectations for the younger generation. There is a cultural heritage to preserve and to enrich, but within society there are tensions and competing forces which make harmony of educational purpose and direction uncertain. Nowhere is this complexity more apparent than within the civic education curriculum. The uncertainty of purpose and direction in civic education has led, many believe, to our present situation in which the social studies curriculum inadequately prepares young people for political participation in our society.

The implementation of this curriculum has been questioned. The report of the National Task Force on Citizenship Education clearly outlines the dimensions of the problem:

> An abundance of research data indicates that the nation's young people have scant knowledge about the responsibilities of citizenship or how to become involved in government. Data also reveal an increasing disrespect among the young for the most important institutions of society. . . every examination of young people's knowledge and opinions reveals that both the critical and support attitudes of the young float atop an abyss of ignorance (Brown, 1977, p. 1).

In particular, citizenship education has been criticized strongly for failing to provide students "with a realistic understanding of modern political processes," and treating students as "passive objects of highly doctrinaire prescriptions totally divorced from the real world of politics" (O'Neil, 1982, p. 200).

Furthermore, it has been alleged that the political functions of education conflict with the civic education of youngsters (Zeigler and Peak, 1970). The strong criticisms of civic education include not only treating students as passive objects (Shermis and Barth, 1982), but creating a curriculum of orthodoxy and symbolic measures of loyalty which stress "ideal norms and ignore the tougher, less pleasant facts of political life" (Hess and Torney, 1967, p. 246). The curriculum of civic education, it is suggested, is built on a "community of assumptions" which create an atmosphere of noninstruction; "the basic argument is that. . . education is unrealistic; not because of what is said, but more because of what is not said" (Zeigler and Peak, 1970, p. 126).

The question of the implementation of the citizenship education curriculum is complex. There is a wide range of explanations accounting for the widely accepted view that the implementation of this curriculum has not been effective in contributing to the civic literacy and citizenship participation of students. Although there is not a consensus on the proper course of action to correct the situation there is general agreement that something needs to be done. The Carnegie Foundation for the Advancement of Teaching Report, "Higher Learning in the Nation's Service," for example, states that "unless we find better ways to educate ourselves as citizens, we run the risk of drifting unwittingly into a new kind of dark age. . ." (Boyer, 1981, p. 1).

Reason #2: The Constitution, its history and meaning, are at the heart of civic education.

The United States Constitution represents the central focus for the civic education strand of the junior high school curriculum. It is the document which offers the greatest curricular resource for the full development of the students' political frame of reference in our society. The Constitution is supported by a diverse and rich body of literature, the knowledge of which provides access to understanding the meaning of the Constitution in the past and present. The study of the Constitution offers the opportunity to incorporate literature from history, political science, and philosophy, into the subject matter, activities, and materials of the course. The students are at a point of development where they experience a transition from concrete to formal thinking. It is essential that they have the opportunity to consider the first principles upon which our political society is grounded; principles which guide and influence the society in which they will lead their lives.

At first glance it would appear that the teaching of the Constitution is a straightforward instructional task. The Constitution is well written and brief. It enunciates basic and permanent principles of government stated in broad terms. The Constitution organizes institutions of government and provides a framework for political interrelationships. Furthermore, it is a product of historical experiences which serve to illustrate various aspects of government and is the creation of individuals many of whom lived relatively well known lives. The central purpose of the Constitution is succinctly set out in the preamble. As one historian once wrote of the Constitution:

> It ranks above every other written Constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definitiveness in principle with elasticity in details (Bryce, 1959, p. 188).

First glances are deceptive. The Constitution's surface appearance of simplicity masks a deep structure of interconnected and often conflicting principles. Corwin (1936) suggested that the Constitution has been both an instrument and a symbol; an instrument of national government and power and a symbol of popular worship. This duality offers a challenge to the teacher and requires an alertness to the views presented in textbooks and other materials which might mislead student readers. Consideration of surface appearances, simple structure and processes of government, leads students to develop a shallow view inappropriate to their future role as citizens in our democratic society.

The duality of form and function in the Constitution has also been emphasized by Diggins (1984). He argues that in the consideration of America's first principles there is a tension between the Constitution and the Declaration of Independence. Constitutionalists stress understanding how power is to be controlled while Declarationists stress understanding how liberty is to be encouraged. It is suggested by this line of reasoning that inherent in the very roots of American political life is a conflict regarding the relationship between liberty and authority, self-interest and social interests. The teacher is faced with the challenge of guiding students toward an understanding of the "idea of America" in the light of this persisting tension.

Certain key concepts and generalizations regarding the politics of freedom cannot easily be understood in our society without an understanding of the Constitution. These include principles of justice or equal treatment under the law; consent of the governed under some form of majority rule; freedom to inquire and think, as well as speak and write, as a necessary condition of liberty; and the freedom of choice in manner of life (Koch, 1963, pp. 133-135). The ideas of liberty, due process of law, equality, property, and authority also represent an essential background to the Constitution (Starr, 1977, pp. 83-95). Specific governmental concepts such as the rule of law and established procedures, consent and representation in decision making, prohibition of arbitrary authority, separation of powers as a means to restrain factions, and federalism as a means to preserve local authority and maintain national unity are essential to an understanding of the complex interrelationships and nesting of ideas inherent in the Constitution and critical to an understanding of individual civic responsibility (Oliver and Shaver, 1962, pp. 70-78).

These concepts and generalizations are of particular importance to the junior high school teacher, not only because they are critical to the students understanding the Constitution, but because they signify the importance of thought in American political development. As Koch has noted, "America was conceived in thought before it came to be" (1963, p. 123). Since the adolescent student is at a developmental turning point in which formal thinking schema begin to emerge, it is clearly important for the teacher to take into account the thoughts which are judged by historians to have guided the formation of institutions in American society; institutions which it is presumed the adolescents will support and nurture as a consequence of the teachers' actions. Hanna Arendt (1961) captured the sense of this important idea when reflecting on the crisis of education of the 1960's:

> Education is the point at which we decide whether we love the world enough to assume responsibility for it and by the same token save it from ruin which, except for the renewal, except for the coming of the new and young [our students], would be inevitable (p. 196).

Reason #3: Adolescent students are at a particularly appropriate period of development for civic education.

It is during adolescence that students approach formal thinking operations. They develop the ability to consider alternative possibilities and hypotheses at a sophisticated level, as well as to integrate a range of different kinds of concerns and information before making decisions. These abilities are typical of those needed to understand political behavior (Elkind, 1983; Mosher, 1979; White and Speisman, 1977). Adolescent students are ready for civic education. Adelson has noted the critical importance of the adolescent years in which there occurs a period of political and ideological development. He believes adolescence is the "watershed era in the emergence of political thought" (1971, p. 1013). During the early period of adolescence the youngster has a strong authoritarian view affecting the understanding of crime and punishment, government and politics, as well as a limited ability to understand the idea of political rights. As they progress through the period of adolescence the students' views change provided there are appropriate experiences which support principled thinking. Adelson's findings are supported by the research of Eyler (1980) on the relationship between principled thinking and tolerance for conflict and diversity. Principled thinkers, for example, more often extend the concepts of majority rule and minority rights to specific groups as well as conceive the citizenship role as active involvement (pp. 11-27). It is during their progress through the adolescent period that the youngsters are particularly ready to develop a formal understanding of these political concepts (Lipsitz, 1980, pp. 47-51).

Adolescents' comprehension of the subject matter is related to their comprehension of the logical substructure of the subject matter and instructional tasks. The concept of government, for example, involves a complex interrelating of temporal concepts (today, yesterday, long ago), social concepts (rule of law, law of nature, positive law, written and unwritten law), as well as the conceptualization of events (War of Independence, Constitutional Convention), persons (Founding Fathers) and places (Philadelphia, New York, Washington D.C.). Fenton (1977) has reported that understanding the basic values inherent in the Constitution presents an instructional requirement possible only when students' moral reasoning capabilities have developed to stage 5 on Kohlberg's moral reasoning scale. The Constitution assumes a fundamental moral climate, "the existence of basic rights - life, liberty, equality," all of which are formal concepts fully meaningful at the principled level of stage 5 (p. 102). These fundamental concepts which are essential to an understanding of citizenship responsibility, represent a great pedagogic challenge to the junior high school teacher.

Clearly, this is an extraordinary task. From a developmental point of view the teacher would endeavor to anticipate difficulties in comprehension by looking at the "**form** (the complexity of instructions, illustrations, format) as well as the **content** (concepts, materials, examples) of curriculum materials" and endeavor to determine in what fashion the subject matter can be appropriately used by the learner (Elkind, 1981, p. 21).

The junior high school social studies teacher will want to be attentive to developmental phenomena for another important reason. Just as the students cannot competently construct meaning from subject matter presented in a manner too far beyond their existing abilities, they also will be disinterested in material which is too far below their developmental level. The instructional context requires understanding of both extremes by the teacher. Adolescents are experiencing new possibilities, new avenues of thoughtfulness. They can begin to marvel at the delight of language play including the conscious use of simile and metaphor, handling multiple and varying interactions of words and sentences, comprehending abstractions and second-order concepts, and thinking about their thoughts. The teachers' choice of content, activities and materials has important implications for the students' learning in general, but the teachers' choices in those areas where the learning is significantly formal will be most important.

Summary: United States history and civics should be taught with a focus on the Constitution. It is in the study of the Constitution, and all the decisive events as well as the intellectual encounters which give meaning to the Constitution, that the student can best comprehend the struggle of the American people to achieve high ideals of human dignity and civic responsibility.

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CHAPTER I

FUNDAMENTAL CONCEPTS

CHAPTER I

FUNDAMENTAL CONCEPTS

OVERVIEW - Substance and Sequence

This section includes four important lessons which treat concepts and basic information that are essential for students if they are to comprehend fully the role of the Constitution in American history and government. These lessons should be taught as early in the year as possible.

The lessons begin with two concepts, government and law, that are generally understood by junior high school students. Therefore, these lessons can be taught on the very first days of a school term; they rely heavily on the proposition that students will be interested in and willing to learn more about a subject that is already familiar to them.

These two initial lessons also provide a necessary foundation that will enable students to comprehend a crucial understanding conveyed in lesson number three--the Constitution is a higher law. If the role of the Constitution in our society is to have meaning for students they must develop this understanding. This background leads logically to the final lesson in the chapter, an examination of the components and the contents of the Constitution.

LISTING OF LESSONS IN THIS CHAPTER

I-A. WHAT IS GOVERNMENT?

I-B. THE FUNCTIONS OF LAW

I-C. THE CONSTITUTION IS THE SUPREME LAW

I-D. THE UNITED STATES' CONSTITUTION

I-A. WHAT IS GOVERNMENT?

OBJECTIVES: Students will be able to identify the major functions performed by people in government:

1 - law and rule making;
2 - governing or administering (enforce, carry out or see that laws are followed). Note: This includes courts;
3 - insuring the safety of individuals or the nation (domestic and foreign affairs); and
4 - acquiring, regulating and allocating resources (taxation, regulation or subsidization of economic activities).

The primary objective is to move students from a view of government that focuses on specific and tangible events, people, and objects to an abstract conceptualization with a focus on the entire society. In this process the student comes to realize that people in government are to be servants of the functions for which government exists.

PURPOSE: Students will learn what people in government do.

INSTRUCTION

INTRODUCTION

1 - On the board, place the labels 1, 2, 3 and 4 at the top of four columns. Inform students that as the lesson proceeds they are to identify what role or function performed by people working in government is represented by each column.

2 - Tell them this will be a lesson that will aid them to develop an inductive skill; that is, they will be asked to identify a general category by looking at some of the parts of that category.

TEACHING THE CONTENT

1 - Ask students to name people who work for government. List the names on the board under the appropriate number. You may want to select a student to write the information on the board in the columns that you tell him/her to use. (The four categories correspond to the functions listed in the **OBJECTIVES** section.)

2 - Have students try to identify the function represented by each category. Have them continue naming people who work for government until they are able to identify each function. (See **TEACHER RESOURCES - 1** for an example of people who might be listed in each category.)

3 - After students have identified each function, hand out the page entitled **LEARNING ABOUT THE FUNCTIONS OF GOVERNMENT.**

4 - Ask students to read the paragraphs and answer the question listed under "What do people in government do?"

5 - Have some students read their answers. Emphasize the items listed under **OBJECTIVES.** (See **TEACHER RESOURCES - 2** for suggested answers.)

6 - Have students do the word challenges. Determine how many were successful.

CLOSING THE LESSON

1 - Have students complete the **IDENTIFYING FUNCTIONS OF GOVERNMENT** assignment. (See **TEACHER RESOURCES - 3** for suggested answers.)

2 - Tell the students that the last evaluation of their learning in this lesson will be a **deductive** exercise. Explain that you will read the names or titles of 10 people who work for government (and you will describe the job that they do), but some of these will be people who have not been listed on the board.

The students will then need to decide which of the four governmental functions is being performed by that person.

TEACHER RESOURCES - 1

The information listed on the board that is described in INSTRUCTIONS 1 and 2 of **TEACHING THE CONTENT** will look like the following:

1	2	3	4
Senators Local council	President Reagan Mayor Bradley	Soldier FBI (national)	Street Department The IRS (taxes)
State lawmakers	Governor	Paramedics	Social Security
Ted Kennedy	Sec. of State	The CIA Children	Aid to Dependent
House of Reps	Justice Rehnquist	Police (service duties, help)	
Pete Wilson	Police (enforcing laws, catch crime)		
LAWMAKING	EXECUTIVE	DEFENSE & SAFETY (Security)	ACQUISITION & ALLOCATION OF RESOURCES

LEARNING ABOUT THE FUNCTIONS OF GOVERNMENT

The legislature of a nation called Atlantis passed a law that required people to pay taxes so that equipment could be made for use in protecting them in case they were attacked by another country.

The legislators also passed a law that required the payment of money to families of men and women who were asked to leave their jobs to serve in the army. The President of Atlantis directed one of his staff to check the records to be sure that the money was paid to these families.

WHAT DO PEOPLE IN GOVERNMENT DO?

Write a sentence about each action described in the story that tells about something that people in government do.

WORD CHALLENGES

Rearrange each of the following sets of words so that they describe something that is done by people who work in government.

laws in make government People and rules.

see Executives followed. that laws are the

TEACHER RESOURCES - 2

In the assignment concerning WHAT DO PEOPLE IN GOVERNMENT DO, students should be able to identify the following examples of governmental functions:

A. Students should be able to find two examples of lawmaking. One law is passed to raise taxes and the other authorizes the payment of money to the families of people who are asked to serve in the army.

B. There is one example of governing or administering. This involves the President directing a member of his staff to check that the payments are made to the families who are authorized to receive them.

C. Two examples of providing security for the nation are included. These involve the building of equipment to protect Atlantis against an attack by another nation and the reference to raising an army.

D. There are two examples of the acquisition and allocation of resources. One is the law that requires the people to pay taxes (acquisition) and the other provides payment to the families of military personnel (allocation).

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WORD CHALLENGES SOLUTIONS

People in government make rules and laws.

Executives see that the laws are followed.

IDENTIFYING FUNCTIONS OF GOVERNMENT

James was riding his skateboard down the sidewalk on his way to school. Because he did not want to be late, he decided to cross the intersection while the light was still red. Unfortunately, there was a large hole in the street due to the fact that the street department lacked money to repair all of the streets properly. The rear wheels of James' skateboard fell into the hole and James was sent sprawling into the street. A car traveling through the intersection could not stop in time to avoid hitting James.

At the same time, a policeman arrived. He used his radio to call an ambulance. The paramedics arrived within three minutes. They decided that James had only suffered a bruised leg and that he would not need to go to the hospital.

Since the policeman saw what had happened, he did not give a ticket to the driver of the car. He did, however, give James a ticket for crossing the street while the light was red. The driver of the car and James' parents contacted the city council and asked them to increase the money that is allocated for street repairs. They also contacted the mayor and asked him to ensure that the street department was doing their job efficiently.

WHAT DO PEOPLE IN GOVERNMENT DO?

Write a sentence about each activity described in the story which tells something about what people in government do.

TEACHER RESOURCES - 3

The following are responses that can be provided for the first exercise in **CLOSING THE LESSON** using the story on the page titled **IDENTIFYING FUNCTIONS OF GOVERNMENT.**

1 - There is ONE example of LAWMAKING. The council is requested to appropriate more money for street repairs.

2 - There are TWO examples of GOVERNING or ADMINISTERING. The mayor is asked to see that the street department does its job efficiently. The policeman gave James a ticket.

3 - There are TWO examples of INSURING SAFETY. The paramedics came to help James and the policeman called the ambulance on his radio.

4 - There is ONE example of RESOURCE ACQUISITION and ALLOCATION. There is an attempt to increase the amount to repair streets.

I-B. THE FUNCTIONS OF LAW

OBJECTIVE: Students will recognize that laws serve not only as a means of control to prevent disorder in the society but laws also may serve an educational function to teach and to guide people according to behavior patterns that are suggested by Social Norms.

PURPOSE: Students will learn that laws serve several functions within society. In particular they will become familiar with the fact that some laws are designed to promote Social Norms. This is a necessary condition for understanding the function performed by the Constitution in our society.

INSTRUCTION

INTRODUCTION

1 - Ask several students to provide an example of a law. (See **TEACHER RESOURCES** for comments about the significance of the inquiries in this introductory section.)

2 - Ask students to explain how the laws they mentioned affect the way they live.

3 - Explain to the students that this lesson will illustrate that laws have several important purposes.

TEACHING THE CONTENT

1 - Begin by asking students to write a response to the question: "Why do we have laws?"

2 - Have students write some of their answers on the board.

3 - Next, have students write an answer to the question: "What would happen if there were no laws?"

4 - List some of these answers on the board, next to the responses given in number 2 above.

5 - Be sure that students recognize the **systemwide** perception that the impact of some laws affects the entire nation, or at least a community that includes persons about whom the child is not familiar. (See **TEACHER RESOURCES** for guidance in teaching this concept.)

6 - Now, with your help, students are ready to recognize that laws may have social goals. They may also serve an **educational function**. They may be used to teach and to guide people according to behavior patterns suggested by **social norms**. You can help students understand this function of law by using the handout labeled: **"WHY DO WE HAVE LAWS?"** and **"YOU BE THE LAW MAKER."**

7 - Ask students to read these sections and decide what they think the council should do.

8 - Have some students tell what they think the city council should decide. Ensure that they recognize the positive reasons for the proposed law, e.g., the students should not be trapped in low paying jobs in the future, students need to learn how to read and write, etc.

CLOSING THE LESSON

Ask students to write an answer to the question: "What is the relationship between the idea presented in the **"WHY DO WE HAVE LAWS?"** section and the reasons given for the council's decision in the reading labeled **"YOU BE THE LAW MAKER."**

WHY DO WE HAVE LAWS?

Laws not only help to keep order in the country but they teach us what we are expected to do. Laws teach and guide people to think and to act in ways that those who make the laws believe people should think and act.

YOU BE THE LAW MAKER

Suppose that some people living in one city decided they were not going to allow their children to attend school after they were 12 years old. Instead they agreed that their children would work in the factory to increase the income for their families. They would put money into a fund for each child and the children would be given their share of the money when they reached the age of 18.

Most of the people who were members of the city council, however, felt that it would be better for children to learn to read, write and do basic math problems. Therefore, they would require children to attend school until they completed the eighth grade and they could pass an examination showing that they could do these things.

If you were a member of the council, what decision would you make? Why?

TEACHER RESOURCES

INTRODUCTION

An understanding of law and its role in society represents a central focus for a student's developing knowledge about the political world. Young children know more about laws and key functionaries in the legal system than they know about other aspects of the governmental process. Thus, they will be able to provide many examples of laws. (For an expanded discussion of this subject, See: Stanley W. Moore, James Lare and Kenneth A. Wagner, Chapter 6, "Emerging Sensitivity to Law and Morality" in The Child's Political World: A Longitudinal Perspective New York: Praeger, 1985.)

Asking students to indicate how the law affects their lives will help to gain the attention of those students who want to see an immediate, practical use for the material they are studying.

TEACHING THE CONTENT

As children mature they move through stages of understanding legal development. They progress from one stage to another in a sequential pattern. In order for a person to comprehend the role of the Constitution in the American system of government, it is necessary to reach stage five. Because most junior high school students have a stage three understanding of legal development, this lesson is designed to move them to stage four. The next lesson is designed to assist students to reach stage five.

Responses to the questions "Why do we have laws?" and "What would happen if there were no laws?" will demonstrate that most junior high school students have moved beyond an **egocentric** (stage one) perception of law where they see laws as only affecting themselves. Most will also have passed the **reciprocal** view (stage two) that holds laws may also serve to protect or to punish other people with whom the child is familiar.

The answers of most students will emphasize the constraining, coercive side of law by stating that law serves as a means of control to prevent disorder in the society. This means that they recognize the **systemwide** perception (stage three) that the law's impact expands to include the entire nation, or at least a community that includes persons about whom the child is not familiar.

When discussing Number 5 in **TEACHING THE CONTENT**, be certain to note especially any answers written on the board that mention the systemwide perception of the impact of law.

Similarly, when discussing Number 8 in **TEACHING THE CONTENT**, note any answers written on the board that describe the educational function of teaching and guiding people to behave according to the **norms of society** (stage four).

I-C. THE CONSTITUTION IS THE SUPREME LAW

OBJECTIVES: Students will:

1 - express a social norm view of the law through discussion and written work;

2 - extend and develop a social norm view to encompass the social contract view of the law; and

3 - demonstrate mastery of the social contract view of law by:

  A - developing criteria for a "fair" and "just" law, using the case provided, and

  B - deciding whether the law the city council passed was fair and just according to the criteria.

PURPOSE: Before a person can understand fully the function performed by the Constitution in our society, it is necessary to understand the **Social Contract** concept because it underlies the philosophy embodied in the United States Constitution.

INSTRUCTION

INTRODUCTION

1 - Review the lesson titled THE FUNCTIONS OF LAW. Remind students that laws not only prevent chaos in society but they also may teach people how they are supposed to behave as suggested by the NORMS that function in the society.

2 - Inform the students that in this lesson they will learn that the Constitution is a very special kind of law. Therefore, they will learn why the Constitution is so important to each of us in our country.

TEACHING THE CONTENT

1 - Have students read the paragraph headed **THE CONSTITUTION IS THE SUPREME LAW.**

2 - Question the students to determine if they understand the idea of the **SOCIAL CONTRACT.** (See **TEACHER RESOURCES** for a discussion of this concept.)

3 - Have students read the paragraphs in **YOU BE THE JUDGE.**
Ask students to write answers to the questions listed at the end of the selection.

4 - Have some students read their answers.
At this point emphasize the procedural aspects surrounding the decision:
Elected representatives
Hearing arguments of opposing parties
Majority vote to pass the law

5 - Suggest the following change:
Suppose the same procedures were followed, but a majority of the council decided to pass a law that required children to go to work when they became 12 years old.
Would such a law be "just"? Why? Why not?

6 - Ask students to share their answers. (See **TEACHER RESOURCES** for a discussion of the procedural and substantive due process distinctions that need to be emphasized.)

7 - Suggest to students that we need to become familiar with what the Constitution says and the subjects that it covers so we can determine whether a law is just or whether proper procedures were followed when a law is made and enforced. (This leads naturally to Lesson I-D which examines the subjects included in the Constitution.)

CLOSING THE LESSON

Use the questions on the LESSON EVALUATION form to determine if students achieved the lesson objectives.

THE CONSTITUTION IS THE SUPREME LAW

When our Constitution was approved by representatives of the people after it was written in 1787, they agreed that the Constitution would become the most important law in the United States. The Constitution which they ratified was described in Article VI as "the supreme Law of the Land." They decided that all other laws should follow the procedures that are described in the Constitution and that they should follow the rules of fairness that are included in the Constitution.

YOU BE THE JUDGE

Suppose that some people living in one city decided they were not going to allow their children to attend school after they were 12 years old. Instead, they agreed that the children would work in the factory to increase the income for their families. Money would be put into a fund for each of the children and the children would be given their share of the money when they reached the age of 18.

Other people did not think this was a good plan so they asked the city council to investigate. The council invited people who favored the plan and who opposed the plan to present their arguments. Following this, a majority of the members of the city council, who had been elected by the people living in the city, passed a law that prohibited families from taking their children out of school until they had either completed the eighth grade or they were 16 years old.

Do you think this law was made in a proper manner? Is it a "just" law? Give reasons for your answers.

TEACHER RESOURCES

TEACHING THE CONTENT - Step No. 2.

The **SOCIAL CONTRACT** concept might be taught as follows:

1 - Elected representatives from each of the states decided that they wanted to be ruled by the same government;

2 - At the Constitutional Convention, these delegates decided the kind of government they wanted and they decided that the government should be controlled by the people.

3 - When the representatives in state conventions voted to approve the Constitution--that is to ratify the work done by the Framers at the Constitutional Convention--it became the most important law in the country. It became the supreme law of the land because the people who are to be governed by it gave their consent. Finally, Article VI of the Constitution says that the Constitution shall be "the supreme Law of the Land." This is what was wanted by the people who wrote the Constitution and agreed to by those who approved of it in the state conventions.

TEACHING THE CONTENT - Step No. 6.

In the earlier example, the city council followed PROCEDURES that are appropriate in a democratic decision making process; the decision seemed fair and just. In the change suggested in Step 5, **TEACHING THE CONTENT**, although the same procedures were followed, it may seem that the SUBSTANCE of the law is not just or fair. Therefore, for a law to be fair and just, it must not only be made by following the PROCEDURES that are outlined in the Constitution, the SUBSTANCE of the law itself cannot violate the rules of fairness that are expressed in the Constitution.

There are constitutional concepts that are SUBSTANTIVE and PROCEDURAL. They may be explained as follows:

Procedural:

1 - The Constitution includes a description of procedures concerning how the laws should be made and enforced, such as:

--the people must be represented in the lawmaking process,

--the government must follow agreed upon rules for treating people who have been accused of a crime.

Substantive:

2 - The Constitution also includes rules of fairness concerning the substance of the laws themselves, such as:

--the laws must treat all people equally, regardless of their religion or race.

LESSON EVALUATION

1 - Explain how the Constitution is different from other laws.

2 - Why is the Constitution so important in our country?

I-D. THE UNITED STATES' CONSTITUTION

OBJECTIVES: This lesson is designed to teach students
1 - the parts of the U.S. Constitution,
2 - the names of these parts, and
3 - the subjects that each of these parts consider.

PURPOSE: Students will understand the subjects that are included in the Constitution. This will enable them to recognize when an issue involves a constitutional question.

INSTRUCTION

INTRODUCTION

1 - Write the word "CONSTITUTION" on the board. Ask students: "What information would we expect to find in a constitution?" Then ask, "What are the parts of a constitution?" Use directed teaching to help them understand that a constitution includes:

A. A statement of name and purpose
B. Statements about membership
  Who are members?
  How are they selected?
  When do meetings take place? etc.
C. A listing of officers
  What positions will there be?
  How are the officers selected?
  What are their duties? etc.
D. A way to change (amend) the Constitution
  What percentage of approval is needed? A majority?
E. Names of the various parts
  How many parts are there?

2 - Inform students that in today's lesson they will be looking for this kind of information about the plan of government for our country in the U.S. Constitution.

TEACHING THE CONTENT

1 - Divide the class into groups. Ask each group to write questions about government that they think the information in the Constitution may be able to answer.

2 - Hand out the **"UNITED STATES CONSTITUTION - OUTLINE."** Refer students to the place where they can find the Constitution in their textbook.

3 - Have students read the Preamble to the Constitution and fill in the blanks on the outline using their own words to summarize the meaning of the phrases in the Constitution.

4 - Determine whether students genuinely understand the reasons why the Constitution was written. Ask whether this part of the Constitution answered any of the questions listed by their group under number 1 above. If so, list the question and answer.

5 - Have students fill in the blanks in the outline for the Articles of the Constitution.

6 - Ask students to share and discuss their answers with other members of their group. Then ask a representative from a group to share the group's answer with the rest of the class. Compare the answers with those of another group to determine if they are the same. If differences exist, help them to determine the best answer. Did this part of the Constitution answer any of the questions that you asked at the beginning of the lesson? If so, share the question and the answer. Did other groups find a different answer?

7 - Have students fill in the blanks in the outline for the first ten Amendments (The Bill of Rights).

8 - Determine whether students genuinely understand the content of these Amendments. Did this part of the Constitution answer any of the questions that you asked at the beginning of the lesson? If so, share the question and the answer.

9 - Have students fill in the blanks in the outline for Amendments 11-26.

10 - Ask students to share and discuss their answers with other members of their group. Then ask a representative from a group to share the group's answer with the rest of the class. Compare the answers with those of another group to determine if they are the same. If differences exist, help them to determine the best answer. Did this part of the Constitution answer any of the questions that you asked at the beginning of the lesson? If so, share the question and answer.

11 - Does any group have a question that has not been answered? If so, what is the question? Did any other groups find an answer to this question? If the answer cannot be found in the Constitution, why do you think that is so? Where might the answer be found?

CLOSING THE LESSON

Have students complete the **WORKSHEET** concerning the parts of the Constitution.

OUTLINE OF THE U.S. CONSTITUTION

I. PREAMBLE (Introduction)
  A. The Constitution is agreed to by the __________ of the United States.
  B. The reasons for writing the Constitution:
    1. To unite the states in a better way than under the Articles
    2. ______________________________
    3. To insure peace within the country
    4. ______________________________
    5. ______________________________
    6. To secure liberty for themselves and for their descendants

II. ARTICLES
  A. Article I - The Legislative Branch
      Section 1 - Congress
      Section 2 - ______________________________
      Section 3 - The Senate
      Section 4 - ______________________________
      Section 5 - Rules of procedure for Congress
      Section 6 - Pay and privileges
      Section 7 - ______________________________
      Section 8 - ______________________________
      Section 9 - Powers forbidden to Congress
      Section 10- ______________________________

  B. Article II - ______________________________
      Section 1 - Elections
      Section 2 - ______________________________
      Section 3 - Duties of the President
      Section 4 - ______________________________

  C. Article III - ______________________________
      Section 1 - Federal courts and judges
      Section 2 - The jurisdiction (extent of power) of the courts
      Section 3 - ______________________________

  D. Article IV - Relations among the states
      Section 1 - Rights and duties of states
      Section 2 - ______________________________
      Section 3 - ______________________________
      Section 4 - Federal Guarantees (promises) to the states

  E. Article V - ______________________________

  F. Article VI - The Constitution is the supreme law of the land
  G. Article VII - ______________________________

III. AMENDMENTS

A. BILL OF RIGHTS

Amendment 1 - Political and religious freedoms
Amendment 2 - ______________________________
Amendment 3 - Keeping soldiers in people's houses
Amendment 4 - ______________________________
Amendment 5 - Rights of people accused of crimes
Amendment 6 - ______________________________
Amendment 7 - Right to trial by a jury
Amendment 8 - ______________________________
Amendment 9 - The people may have other rights not listed above
Amendment 10- ______________________________

B. ALL OTHER AMENDMENTS

Amendment 11 - Law suits against a state
Amendment 12 - ______________________________
Amendment 13 - ______________________________
Amendment 14 - Rights of citizens the states may not take away
Amendment 15 - ______________________________
Amendment 16 - ______________________________
Amendment 17 - The people shall elect their senators
Amendment 18 - Intoxicating liquors may not be made or sold
Amendment 19 - ______________________________
Amendment 20 - New starting times for Congress and the President
Amendment 21 - Repeal of prohibition (Amendment 18)
Amendment 22 - ______________________________
Amendment 23 - Electoral votes for the District of Columbia
Amendment 24 - ______________________________
Amendment 25 - Procedures for when the President is disabled
Amendment 26 - ______________________________

CONSTITUTION WORKSHEET

1 - The introduction to the Constitution is called the ______________.

2 - Three of the purposes for which the Constitution was written were to ____
____
____

3 - In addition to the introduction, the Constitution has seven ______________ and 26 ____.

4 - The first three main parts of the Constitution concern the legislature, the ______________________ and the judiciary (courts).

5 - The first 10 Amendments to the Constitution are called the ______________________________.

6 - Name three subjects that are discussed in one of the last 16 Amendments to the Constitution. ______________________________
____
____.

7 - Name one subject that concerns government that is not mentioned in the Constitution. ______________________________
____
____.

8 - Why should a constitution have a preamble?

9 - Why does the Constitution have amendments?

10- Why does the country need a Supreme Law?

CHAPTER II

ROOTS OF THE CONSTITUTION

CHAPTER II

ROOTS OF THE CONSTITUTION

OVERVIEW

The roots of the U.S. Constitution have particular significance and meaning to students who are intent on understanding this document. The colonists claimed the rights of Englishmen. What they considered the denial of these rights became the cornerstone of the Declaration of Independence and provided them with the energy to carry on a war to regain these rights. It is reasonable to expect that in the Constitution, they would seek to recover those rights and embody their substance to include the rights of petition, representation, trial by jury, and freedoms from unreasonable searches and seizures, among others.

The Americans, however, could not base their ideas solely on the history of England since their recent experiences had shown English government to be prone to abuse. They reached back into history to the classical period of Greece and Rome. The writers of the Constitution knew Latin and Greek languages and history and drew extensively on ancient practices and institutions, as well as on moral lessons concerning the functions of government. They studied what had caused early republics to fail. They adopted names of favorite characters, whom they would emulate. They gave classical names to towns located in the wilderness and copied classical architecture in their buildings. Terms used in the new government such as senate, republic and federal came from a classical source.

While the writers of the Constitution drew support for their own ideas from these ancient sources, they also recognized that they were creating a new nation. They needed new ideas. These they found in the thinkers and writings of modern Europe. Treatises on government composed by John Locke gave them ideas about the natural rights of man and social contract. These ideas provided a means to check unlimited power and many are embodied in the Constitution. These various sources contributed rich meaning to this fundamental law.

The lessons in this chapter begin with an examination of the period of salutary neglect, during which time the colonists were learning valuable lessons of self-government. Salutary neglect provided a rudimentary lesson in federalism before it was developed as a political idea. Then, the students read George Washington's shopping list and are asked to consider what the colonists needed to forego and give up to become independent. Next the students learn about the classical influence that still operates today through architecture, place names, and symbols on printed money. Then they read the words of John Locke to identify the ideas of the rights of man and the Social Contract and trace how those ideas influenced the Constitution. Finally, they compare the words of the Magna Carta, the Petition of Right, and the English Bill of Rights, and notice similarities with the U.S. Constitution.

LISTING OF LESSONS IN THIS CHAPTER

II-A. THE PERIOD OF SALUTARY NEGLECT

II-B. THE COSTS OF GAINING INDEPENDENCE

II-C. GREEK AND ROMAN (CLASSICAL) INFLUENCES ON THE CONSTITUTION

II-D. THE PHILOSOPHICAL INFLUENCE OF JOHN LOCKE

II-E. ENGLISH INFLUENCES ON THE CONSTITUTION

II-A. **THE PERIOD OF SALUTARY NEGLECT**

OBJECTIVES: Students will learn:

1 - that the colonists, to a great extent, had an opportunity to "rule themselves" for more than 100 years prior to the French and Indian War. This was the period of "Salutary Neglect."

2 - that this experience resulted in important consequences. The colonists objected when England wanted to reassume more control over them after this war. The colonists were unwilling to allow the English to "reimpose" greater control. This led to the War for Independence. Experiences during the period of salutary neglect also shaped the attitudes held by the colonists immediately after they became independent. They wanted the government of each state (colony) to have a great deal of freedom to make their own decisions; and

3 - that the name given to our own time period (as well as that given to other eras) provides a characterization that describes certain dominant themes of the time.

PURPOSE: Students will understand:

1 - the concept of Salutary Neglect,

2 - that decisions made during one time period may influence decisions made during a later period, and

3 - that a name given to a particular time period may help us understand decisions that are made during that era.

INSTRUCTION

ADVANCED ORGANIZER

1 - The teacher will prepare a letter (see the **STUDENT RESOURCES**) that describes a situation in which the parents of one student have left for Mexico. The parents will be gone for a period of five years, but they will call once a week and write once a month as well as send enough money to pay the bills.

One student, to whom the letter is addressed (pre-arranged to play this role), will read the letter to the class.

2 - Ask students to think about this situation. Assist them by asking the following questions:

A. What is the one thing that someone in your family (you or someone else) will need to do because your parents are not here to do what they normally do?

B. What are some things that you will be able to do five years from now that you cannot do now?

3 - Direct the students to form groups of 4-6 students. Tell them they will have 10 minutes during which they will share and discuss their ideas, as well as write responses to the questions in Instruction No. 2. Inform them there will be only one response for each group; one person should be selected to read the responses to the class at the end of the 10 minutes.

4 - After 10 minutes have each group share their answers with the rest of the class.

5 - Next, ask the class: "How would you feel if, when your parents came home after five years, they treated you as you had been treated before they left?" That is, you were no longer allowed to make your own decisions like you did during the time your parents were gone and you were treated just as you had been treated when you were five years younger. What would you do? Why?

TEACHING THE CONTENT

TRANSITION

1 - After the discussion, tell the students the intent of this exercise was to enable them to understand what happened to the 13 colonies during the period from 1763 to 1775. This followed a period of SALUTARY NEGLECT.
NEGLECT = "not to pay attention to" OR "to leave alone"
SALUTARY = "good" OR "beneficial"

THE MAIN TOPIC

2 - Present the following information to the class:

For about 100 years, prior to 1763, England had permitted the colonies to rule themselves through their colonial legislatures without much interference (the period of SALUTARY NEGLECT). During this period the colonists' skills in self-government developed. They voted for representatives who made the laws in colonial legislatures; issues were debated and decided; taxes were levied and raised for needed services. After the French and Indian War, however, England expected the colonies to help pay for the expenses of the war.

3 - Have students examine what England asked the colonies to do and the colonists' reaction to these measures. (See **STUDENT RESOURCES** for paragraphs that describe the Stamp Act, Townshend Acts, and the Intolerable Acts.)

4 - Have students provide the information needed to complete the **ACT-REACTION CHART.**

5 - Ask students to share their answers to these questions. As they respond, you can provide additional information that is included in the **TEACHER RESOURCES.**

CLOSING THE LESSON/EVALUATION

Ask the class to write a paragraph that explains how the story about their family and the experiences of the colonies between 1763-1775 were similar.

FOLLOW-UP

At the beginning of the next class session, ask students for an answer to the following question. When historians look back 100 years from now what will they call the time period in which we are presently living?

How will that label help to explain our time period? How is this related to the lesson concerning "Salutary Neglect"?

STUDENT RESOURCES

1 - A letter to use with Step 1 in the Advanced Organizer section.

Dear (name of student),

Unexpectedly, your father's work will require us to go to Mexico. We expect to have to stay for five years. We know that you and your sister and brother(s) wouldn't want to leave your friends so we've decided to allow you to remain at home. We'll send you enough money each month to pay the bills. Don't worry, we'll call once a week and write you every month. Remember, we love you all!

Lovingly,

Mom and Dad

2 - Student material to use with Step 3 of the Main Topic.

STAMP ACT (LAW)

In 1765 Parliament passed a Stamp Act. The Act required Americans to place stamps on many official colonial documents. Many influential Americans protested this form of taxation by chasing the stamp collectors out of their colonies. The Congress also passed laws that would not allow certain products manufactured in Britain to enter the colonies.

TOWNSHEND ACTS (LAWS)

In 1767 a British official replaced the Stamp Tax with taxes on paper, lead, paint, and tea that were imported into the colonies. The colonists did not like these external taxes either. One means used to resist paying the taxes was by smuggling products into the country.

INTOLERABLE ACTS (LAWS)

After the colonists dumped a cargo of tea into Boston Harbor on December 16, 1773, the British passed a series of Acts intended to punish Massachusetts. One of these Acts revoked the Massachusetts Charter which had been the framework of government for nearly a century. The Act also made formerly elective offices appointive and removable by royal action, and authority to hold town meetings was limited. By the Fall of 1774, the First Continental Congress was meeting and fighting began, near Boston, in April 1775.

5~

ACT - REACTION

THE ACTS

	STAMP ACT	TOWNSEND ACT	INTOLERABLE ACTS
WHAT DID ENGLAND DO?			
HOW DID THE COLONISTS REACT?			
HOW IS THE RESPONSE RELATED TO SALUTARY NEGLECT?			

TEACHER RESOURCES

STAMP ACT

Dissatisfied with American support for the war effort, Parliament approved in 1765 the Stamp Act, a tax which would force Americans to pay "their share" of the war debt. Stamps were required on a variety of official colonial documents. Influential Americans were especially affected by this new tax: merchants, lawyers, ministers, newspapermen. They helped to organize resistance which led to violence against stamp collectors (who were harried from colony to colony) and a Stamp Act Congress which proclaimed boycotts of British goods. Unimpressed by American complaints, the British government was, however, highly responsive to the protests of British merchants hurt by the boycotts. Parliament rescinded the Stamp Act but at the same time passed the face-saving Declaratory Act, which asserted absolute authority over the American colonies.

TOWNSHEND ACTS

Convinced that Americans were objecting only to internal taxes, Chancellor of the Exchecquer Charles Townshend in 1767 replaced the internal Stamp Act taxes with external taxes, to be collected on paper, lead, paint, and tea imported into the colonies. Most of these taxes were mere nuisances but Americans were heavy tea drinkers and they resisted these external taxes as vigorously (though not as violently) as they had internal taxes. American resistance led the British to retreat from the taxes, leaving only the tea tax. The principal American response was John Dickinson's Letters from a Farmer in Pennsylvania (1767) attempting to draw proper lines between British and American authority. Dickinson contributed to the development of the American concept of federalism.

INTOLERABLE ACTS

American colonists cheerfully evaded the Tea Tax by smuggling. In 1773 the British East India Company was allowed to import tea directly into the colonies, which would enable them to import legal tea at a lower price than smuggled tea. Merchants and seamen disguised as Indians dumped a cargo of tea into Boston Harbor on December 16. In response the British for the first time showed their teeth in the Declaratory Act. The Coercive Acts were passed in Spring 1774 to punish Massachusetts. The **Boston Port Act** cut off commerce until the East India Company was reimbursed. The **Administration of Justice Act** increased the royal governor's authority over the courts and allowed for the transfer of trials to other colonies. The **Quartering Act** authorized the housing of British troops at trouble spots (i.e., Boston). Most extreme, the **Massachusetts Government Act** revoked the Massachusetts Charter which had been the framework of government for nearly a century, and made formerly elective offices appointive and removable by royal authority, and limited town meetings. Americans added to these the **Quebec Act**--a measure limiting white expansion into the West which the British enacted at this time but which the British did not regard as a part of the Tea Party response--and called them the Intolerable Acts. The First Continental Congress was meeting by the Fall of 1774 and fighting began, near Boston of course, in April 1775. Americans fought for more than a year for their "rights as Englishmen" before they realized in 1776 that they were fighting for independence.

II-B. THE COSTS OF GAINING INDEPENDENCE

OBJECTIVES: Using a shopping list, students will discover some items the colonists bought from England in exchange for their products in the period prior to 1765. Then students will identify reasons why, beginning in 1765, these items became difficult for the colonists to obtain from England.

PURPOSE: Students will recognize that, in order to gain their independence, the colonists were willing to give up some benefits that their colonial status with England provided.

INSTRUCTION

INTRODUCTION

1 - Use responsive questioning to review the lesson on Salutary Neglect. (See **TEACHER RESOURCES** for a suggested responsive questioning sequence.) Be certain that students recall that this was a period of time, prior to the end of the French and Indian War (Seven Years War), during which the colonists learned to govern themselves.

2 - Inform the students that the freedom experienced by the colonists during the period of Salutary Neglect will be an important factor in this lesson as they attempt to determine what the colonists were willing to give up in order to have their independence.

TEACHING THE CONTENT

1 - Hand out a copy of **GEORGE WASHINGTON'S SHOPPING LIST** with the items ordered from England by George Washington for his stepchildren in 1767. (The **SHOPPING LIST** is among the items in the **STUDENT RESOURCES**.)

2 - Ask students to provide answers to questions such as:
A. How can you tell that George Washington was not a poor man?
B. If George Washington had very little cash money, how could he pay for these goods?
C. Why didn't he buy these goods in a local store?
D. In what ways did George Washington depend on England?
(See **TEACHER RESOURCES** for suggested responses to these questions.)

3 - Inform students that, beginning in 1765, England began to tax various types of services that the colonists used. One of these taxes was placed on certain kinds of goods imported to the colonies from England.

4 - Either hand out a copy to the students or read to them **GEORGE MASON'S LETTER TO GEORGE WASHINGTON.**

5 - Ask students to look again at the shopping list and decide, if they were in George Washington's place, whether they would pay the tax. If not, what on the list would they be willing to give up in order to gain their freedom?

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** form.

GEORGE WASHINGTON'S SHOPPING LIST

INVOICE OF SUNDRIES TO BE SHIPD BY ROBERT CARY AND COMPANY, FOR THE USES OF MASTER JOHN AND MISS PATTY CUSTIS, EACH TO BE CHARGD TO THEIR OWN ACCTS, BUT BOTH CONSIGND TO GEORGE WASHINGTON, POTOMACK RIVER &CA.

For Master Custis, 6 yrs old.

1 ps. Irish Holland @ 4/.
2 yds fine Cambrick @ 10/.
6 pockt Handf, small and fine.

6 pr. Gloves; 2 Lacd Hatts.
2 ps. India Nankeen.
6 pr. fine thrd Stockings.
4 pr. Courser Ditto.
6 pr. Worsted Ditto.
4 pr. strong Shoes; 4 pr Pumps.
1 Surty Suit of Cloathes, to be made of something light and Thin.
3 fine Ivory Combs; 2 horn Do. and 2 Brushs.
1 ps. black hair Ribbon.
1 pr handsome Silver Shoe and knee Buckles.
10/. worth of Toys.
6 little books for Childn. begg. to Read.
1 Oz. 8*d*. thread; 1 Oz. 12*d*. Ditto
1 Oz. 2/. Ditto; 1 Oz. 3/. Ditto
½ lb. Whited brown thrd.
1 light duffel Cloak with Silver Frogs.

For Miss Custis, 4 yrs old.

8 yds. fine printed Linnen at 3/6.
1 pc Irish Holland @ 4/.
2 Ells fine Holland @ 10/.

8 pr kid Mitts; 4 pr. Gloves.
2 pr Silk Shoes.
4 pr Callimanca Do.; 4 pr Leathr Pumps.
6 pr fine thread Stockings.
4 pr. Worsted Do.
½ ps. flowerd Dimety.
2 yds. fine Cambrick @ 10/.
2 Caps, 2 pr. Rufles, 2 Tuckers, Bibs, and Aprons, if fashionable.
2 fans; 2 Masks; 2 Bonnets.
2 M. large Pins; 2 M. short Whites.
2 M. Minikins; 1 Cloth Cloak.
1 Stifened Coat of Fashl. Silk, made to Pack thread Stays.
6 yds. Ribbon; 2 Necklaces.
1 pr. Silvr Sleeve Buttns, with Stones.
1 Fash.-drest Baby 10/.; and other Toys 10/.
6 Pocket handkerchiefs.[11]

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[11] In March, 1759, Washington received, among other things, from Unwin & Co., toy maker, of London:

A Childs Fiddle	1/	No. 2 A Stable w' 6 horses	2/6
No. 3 A Coach and 6 in a box	2/	4 A Neat Walnut Bureau	5/
5 A Corn'r Cupboard	2/	6 A Toy Whip	6d
7 A filligree Watch Aca.	2/6	8 A Neat Enamld Watch box	3/6
9 A Childs Huzzitt	2/		

TEACHER RESOURCES

INTRODUCTION - Step No. 1

Responsive questioning provides the means to assist the students to clarify and more fully retain their learning about salutary neglect. The purpose of responsive questioning is not to test the students' understanding, but rather to nurture their expression of the meaning of the concept. Allowing the students to express in their own terms what they know and understand will provide the teacher with a clear picture of additional explanation that may be necessary.

The questions which are asked in the beginning need to be broad [**"What can you tell me about salutary neglect?"**]. This forces the students to use their own reservoir of ideas and knowledge to express their answers. If the students' responses are informative and knowledgeable, then the teacher needs to continue the questioning with further broad questions [**"Tell me more about that." "What is an example of your idea?" "How does what you're saying connect with what we studied about salutary neglect?"**]. These questions flesh out the students' understandings of the learnings from the salutary neglect lesson.

If the students' responses are not satisfactory and the teacher realizes that the students have not grasped the main points of the lesson on salutary neglect, then the teacher needs to narrow the questions until the students can respond with meaningful information. Here the teacher is attempting through questioning to locate the students' level or zone of understanding. Questions can be narrowed by asking for literal details [**"Why did the King and Parliament allow the colonists to govern themselves for so long?"**]. Questions could also be narrowed by asking for partial interpretations [**"What's the first thing that might happen when the King and Parliament impose new taxes?"**]. They can also be narrowed by asking for definitions [**"What does the word salutary mean?"**]. The teacher might also narrow the questions by focusing on the core idea of the lesson rather than focusing on interesting but adjunct or less significant ideas [**"What is the big idea in this lesson?" "What is the idea which we need to remember more than any other?"**]. Through the use of these questions the teacher provides boundaries and supports for the students who are then able to think through them, make linkages and express more and more complete understandings of the lesson.

Summary: Responsive questioning is a specific strategy to use in assisting students to express their understanding of concepts and events in history. The purpose of responsive questioning is to nurture the students' expression. The teacher begins with broad questions which force the students to use their own reservoir of ideas and knowledge to express their answers.

If the students' responses are not satisfactory the teacher narrows the questions until the students can respond with meaningful information. Questions can be narrowed by asking for literal details, partial interpretations and definitions, and focusing on the core idea. The important point about responsive questioning is that students are not being tested, rather they are being given the opportunity through teacher-student discourse to clarify and master the learning of key concepts and ideas about history.

TEACHING THE CONTENT - Step No. 2

Many of the items on the shopping list were very expensive. George Washington would need to pay a good deal, of money to purchase these items.

Many of these expensive, fine products were not manufactured in the colonies at this time. Therefore, if the Washingtons and others in the colonies wished to enjoy these products, they would need to get them from England.

George Washington, as did many other colonists, probably sent raw materials such as tobacco to England in exchange for the manufactured products they received from the British.

GEORGE MASON'S LETTER TO GEORGE WASHINGTON

5th April, 1769

"Our all is at stake, and the little conveniences and comforts of life, when set in competition with our liberty, ought to be rejected not with reluctance but with pleasure. . . . We may retrench all manner of superfluities, finery of all denominations, and confine ourselves to linnens and wollens, not exceeding a certain price: it is amazing how much this would lessen the American Imports, and distress the various traders and manufacturers in Great Britain--this would quickly awaken their attention, they would see, they wou'd feel the Oppressions we groan under and exert themselves to procure us Redress: this once obtained, we. . . will confine ourselves never to import any article that shou'd hereafter be taxed by Act of Parliament for raising a revenue in America."

LESSON EVALUATION

1 - WHAT IS THE MAIN IDEA THAT WE STUDIED IN THIS LESSON?

The main idea of the lesson is that, in order to gain independence, the colonists were willing to give up some benefits that were provided by their colonial status with England.

As a person becomes an adult, you must give up things to become independent of your parents; but you also gain benefits.

2 - DESCRIBE THE MAIN IDEA STUDIED IN THIS LESSON.

During the period of Salutary Neglect, the colonists became accustomed to ruling themselves. However, they were still dependent upon England for many of the manufactured products that they enjoyed. In exchange for the manufactured products, the colonists paid with raw materials that would, in turn, be changed into more products that the colonists could purchase. When the English government decided to charge high taxes for the products they sent to the colonies, the colonists decided they preferred their freedom rather than continuing to enjoy the fine products produced by England.

3 - GIVE AN EXAMPLE OF THE MAIN IDEA.

George Mason wrote a letter to George Washington in which he stated that he hoped the colonists would not import articles that were taxed by the British Parliament for the purpose of raising money at the expense of the colonists.

4 - WHAT WOULD BE AN EXCEPTION TO THE MAIN IDEA STUDIED IN THIS LESSON?

Some of the colonists, who during the Revolutionary War were called Tories, did not want the colonies to become independent from England.

II-C. **GREEK AND ROMAN (CLASSICAL) INFLUENCES ON THE CONSTITUTION**

OBJECTIVES: Students will examine pictures of architecture of the federal period in the United States, a dollar bill, and maps containing place names similar to Greek and Roman cities and:

1 - compare these items with items from Greek and Roman culture, noting any similarities and differences,

2 - deduce that the scholars and thinkers, including the framers of the Constitution, were influenced in their thinking by their knowledge of Greek and Roman history and government, and

3 - deduce that history has uses and can give us ideas about successes and mistakes of the past from which we can learn.

PURPOSE: The lesson will demonstrate that historical factors, having their origin in Greek and Roman culture, were well known to the Framers of the Constitution. They copied or adapted various forms, names and titles for use in their new government. They used Greek and Roman terms and concepts to describe and illustrate their point of view.

INSTRUCTION

INTRODUCTION

1 - Ask students to imagine how the Framers of the Constitution would have responded if asked the question, "Why study history?"

2 - Use responsive questioning to help students realize that a knowledge of history provided the Framers of the Constitution with knowledge about other governments which helped them decide how to set up their own government. If they had taken the attitude that history doesn't matter, we would not have the Constitution that we have today. The Framers learned from other governments' successes and mistakes so they could design a system that fit their needs. This idea should also serve as an incentive for them to understand and to believe that it is important to study about their own history. (See **TEACHERS RESOURCES** for a suggested responsive questioning sequence.)

3 - Tell students that today's lesson will show that the Framers of the Constitution were very familiar with the government and culture of Greece and Rome and that this knowledge influenced their thinking about how government and society should function.

TEACHING THE CONTENT

1 - Have students look at the back of a dollar bill. Have them note that the words on the great seal are written in Latin. (See **TEACHER RESOURCES** for a discussion of their meaning.)

2 - Show pictures of Greek and Roman architecture. Then show pictures of structures in the United States that are designed in a similar fashion.

3 - Write the following on the board:

Athens, GA
Rome, GA
Cicero, IL
Cincinnati, OH

Ask students to identify the origin of these places. (See **TEACHER RESOURCES** for explanations.)

4 - Write the following names on the board: Indianapolis
Minneapolis

Ask students to identify the suffix of these names. (See **TEACHER RESOURCES** for an explanation.)

5 - Ask students if they know why the Framers were so familiar with Greek and Roman culture. Use responsive questioning in your attempt to help them discover the answer. (See **TEACHER RESOURCES** for an explanation.)

CLOSING THE LESSON

Have students complete the LESSON EVALUATION form.

TEACHER RESOURCES

INTRODUCTION - Step No. 2

As noted in lesson II-B on Salutary Neglect, responsive questioning provides the means to assist the students to clarify and more fully retain their learning. In this lesson on the Greek and Roman influences the teacher has another opportunity to continue the use of responsive questioning.

At the beginning of the responsive questioning session the questions which are asked need to be broad [**"What can you tell me about the benefits of knowing about the history of a country?" "What are the uses of history?"**]. This forces the students to use their own reservoir of ideas and knowledge to express their ideas about the importance of history. If the students' responses are informative and knowledgeable, then the teacher needs to continue the questioning with further broad questions [**"Tell me more about that." "What is an example of your idea?" "How does what you're saying connect with what we know about the men who wrote the Constitution?"**]. These questions flesh out the students' understanding of the importance of knowing history.

If the students' responses are not satisfactory and the teacher realizes that the students have not grasped the main point that knowledge of history helps us to make informed and knowledgeable decisions, then the teacher needs to narrow the questions until the students can respond with meaningful information. Here the teacher is attempting through questioning to locate the students' level or zone of understanding. Questions can be narrowed by asking for literal details [**"What was the educational background of the men at the Constitutional Convention?"**]. Questions could also be narrowed by asking for partial interpretations [**"How would the Constitution be different if the men who wrote the Constitution had not studied history?"**]. They can also be narrowed by asking for definitions [**What is history?"**]. The teacher might also narrow the questions by focusing on the core idea of the lesson rather than focusing on interesting but adjunct or less significant ideas [**"What is the big idea behind knowing history?" "What is the idea in this lesson which we need to remember more than any other?"**]. Through the use of these questions the teacher provides boundaries and supports for the students who are then able to think through, make linkages and express more and more complete understanding of the lesson.

Summary: In both the lesson on Salutary Neglect (II-B) and this lesson on Greek and Roman (Classical) Influences (II-C) we have suggested the teacher make use of the strategy of responsive questioning. For many students the initial experience of responsive questioning will be difficult. This is because most students have experienced teacher questions as a form of oral test rather than a form of teacher-student discourse. It will take time for students to develop the confidence and ability to express their views openly. The teacher may also find it difficult to undertake the practice of responsive questioning. One very helpful approach is to undertake the learning of this teaching strategy with the help of another teacher who is also interested in improving teacher-student discourse. Responsive questioning sessions are best if they take place for about 20-25 minutes at a session and are carried out over two or three class periods.

TEACHING THE CONTENT -

Step 1 - The Latin inscription Novus Ordo Seclorum means "The New Order of the Ages." This "New Order" is exemplified by the phrase "WE THE PEOPLE" in the Preamble of the Constitution which indicates that the people are to be the source of political authority. This idea is traced to the Declaration of Independence on July 4, 1776. This date is inscribed on the base of the three-sided pyramid on the seal in ROMAN NUMERALS: MDCCLXXVI.

Step 3 - Athens and Rome are the names of ancient cities.

Cincinatus was a Roman General who lived in the 5th Century B.C. He led his country to victory in war. After the battle was won, he humbly returned to his farm rather than seek public office. George Washington was known as "Cincinatus" because he did a similar thing after leading the colonies to victory as a General in the Revolutionary War. Cicero was a great Roman orator.

Step 4 - "Polis" comes from an ancient Greek form of government. A Polis was a city-state in ancient Greece.

Step 5 - The children of wealthy people were trained in Greek and Latin languages and culture to maintain European ways of life. The classics referred to the study of ancient Greek and Roman history and the Greek and Latin languages.

The elementary schools they attended were called grammar schools because in colonial days they emphasized Latin grammar in preparation for reading literature in the secondary schools.

Secondary schools had the task of preparing students for admission to the university. University admission requirements included facility in reading Greek and Roman writers such as Virgil, Cicero and Homer. Students also were required to translate at sight a page of English into Latin. When Thomas Jefferson planned the curriculum for the University of Virginia, the university he founded, he assumed that it was merely a matter of common sense for students to study Latin and Greek classics and languages.

This world view and educational background was shared by many of the writers of the U.S. Constitution.

LESSON EVALUATION

1 - WHAT IS THE MAIN IDEA THAT WE STUDIED IN THIS LESSON?

Historical factors influenced the people who wrote the Constitution.

2 - DESCRIBE THE MAIN IDEA THAT WE STUDIED IN THIS LESSON.

The Framers of the Constitution were familiar with Greek and Roman culture. This influenced their thinking about government, about their architecture, the names of their towns, and other areas of life.

3 - GIVE EXAMPLES OF THE MAIN IDEA.

They named cities Athens, Rome, Cicero, etc.
They placed a Latin motto from the poetry of Virgil on the dollar bill.
They used classical architecture.
Names like Minneapolis exemplify their respect for the Greek polis and the type of government that it represents.

4 - WHAT MIGHT BE AN EXCEPTION TO THE MAIN IDEA OF THIS LESSON?

Influences from England were also important for shaping the thinking of the men who wrote the Constitution.

II-D. **THE PHILOSOPHICAL INFLUENCE OF JOHN LOCKE**

OBJECTIVES: Students will be able to:

1 - identify and explain two basic ideas of John Locke (Natural Rights theory and Social Contract theory), and

2 - explain how they influenced our Founding Fathers.

PURPOSE: Students will learn that the Framers of the Constitution were influenced by the ideas of political philosophers of their time. Students will also enlarge their idea of the proper behavior between citizens and government in a republic (or constitutional democracy).

INSTRUCTION

ADVANCED ORGANIZER

1 - Hand out the page entitled: **"WHAT INFLUENCES OUR IDEAS?"**

2 - Have students select a topic or idea. Have them write this topic or idea in the large caption next to the picture of the "thinker."

3 - Ask students to fill in the small captions with statements that describe how they think about the topic or idea.

4 - Have students share what they have written in these captions. Note that some ideas will be similar and some will be different.

5 - Ask students to identify the source of their ideas. Many will discover that their ideas came from what they have seen or heard from someone else (the ideas are BORROWED.)

TEACHING THE CONTENT

TRANSITION

Explain that this lesson concerns how the men who wrote the U.S. Constitution were also influenced by the ideas of other people. In this lesson we will learn how two important ideas of an Englishman named John Locke influenced the ideas about government that were held by the men who wrote the Constitution.

THE MAIN TOPIC

1 - Place the terms NATURAL RIGHTS and SOCIAL CONTRACT on the board. Explain that students will be expected to understand what these terms mean and how they are related to some ideas in the Declaration of Independence and the Constitution.

2 - Ask students for a definition of "Natural Rights." Be certain that they recognize that the term refers to basic rights which it is agreed all people have equally--such as the right to life.

3 - Ask students for a definition of "Social Contract." Be certain that they understand that this term refers to a voluntary agreement of people to set up a government. It is like a contract, where people will agree to obey the laws because they had a part in making the laws. (See Lesson I-C for a review of this concept.)

4 - Hand out the worksheet **JOHN LOCKE AND HIS IDEAS.** Have students read the description of Locke's theories and answer the questions that follow.

5 - Have some students share their answers. Be certain that they understand the relationship between Locke's statements and the ideas of Natural Rights and Social Contract.

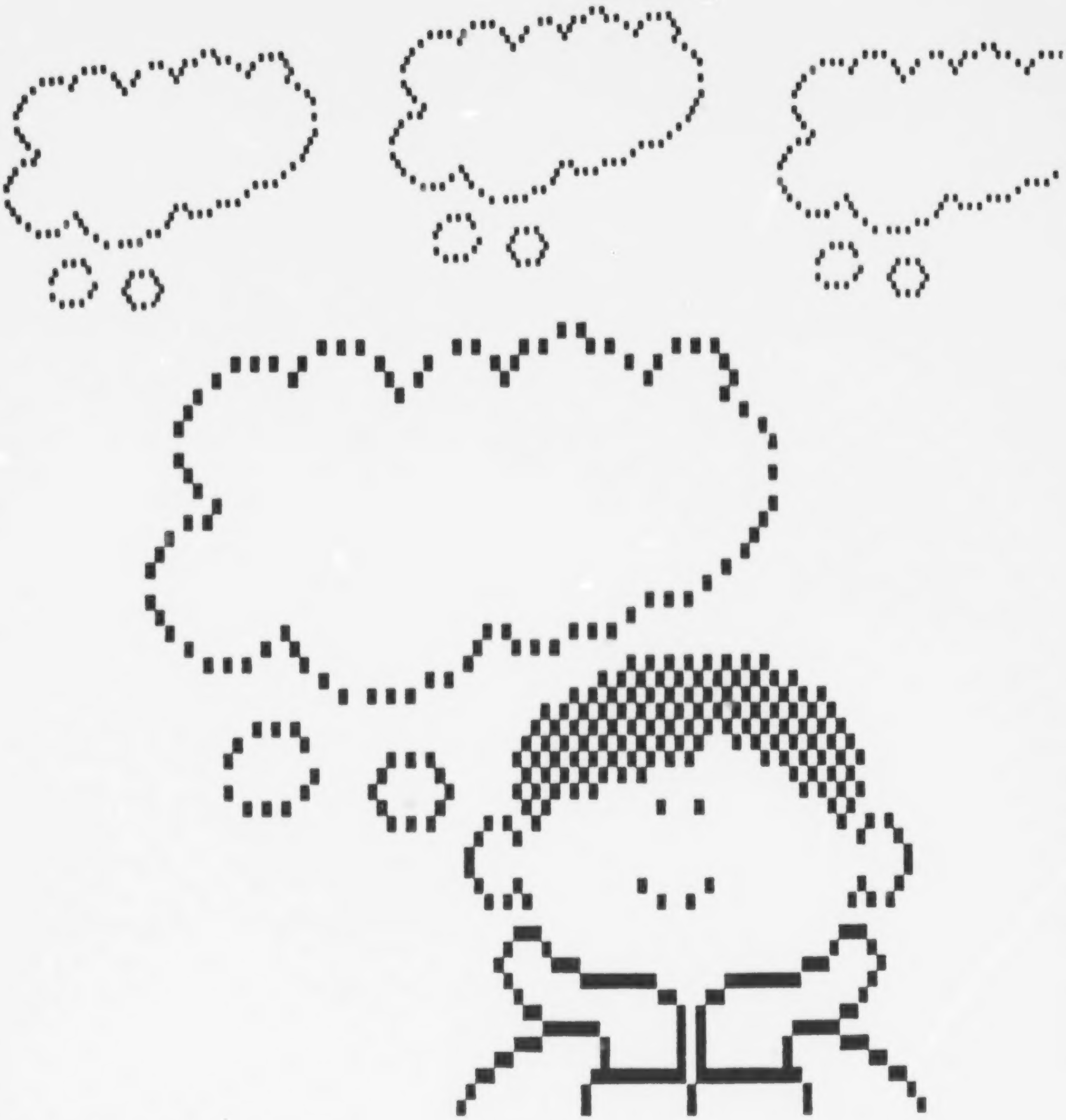
6 - Hand out the worksheet **AN APPLICATION OF JOHN LOCKE'S THEORIES.** Have students answer the questions.

7 - Ask some students to read what they have written.

CLOSING THE LESSON

Have students provide answers to the questions included on the **LESSON EVALUATION** form.

WHAT INFLUENCES OUR IDEAS?



JOHN LOCKE AND HIS THEORIES

John Locke wrote the following in his Second Treatise on Government:

> "For no government can have a right to obedience from a people who have not freely consented to it; which they can never be supposed to do, till they are put in a full state of Liberty to choose their Government and Governors, or at least till they have such standing Laws, to which they have themselves or their Representatives, given their free consent, and also till they are allowed their due property. . . ."

Circle the statements below that you feel are expressed in the above passage.

A. Governments cannot expect the people to obey without the consent of the people.

B. People should be free to choose their representatives.

C. Government should protect a person's right to property.

D. The people should obey the government no matter how many of their rights it takes away.

Can you discover an idea in Locke's statement that might be called a "Social Contract"? Explain your idea.

Can you discover an idea in Locke's statement that might be called a "Natural Right"? Explain your idea.

AN APPLICATION OF JOHN LOCKE'S THEORIES

The following is an excerpt from the Declaration of Independence:

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

1 - Do you see any similarities between Locke's ideas and those expressed in the Declaration of Independence? YES NO

2 - If there are similarities, what are they? Be specific.

3 - Based on Locke's theories of Natural Rights and Social Contract, read each of the following hypothetical situations and decide whether or not Locke's theories can be used to protest these actions.

A. It hasn't rained for two years. The state legislature passes a law forbidding the watering of lawns for two years.

Would Locke justify a protest? YES NO
Why?

B. The government has passed a law that will allow the police to put in jail any teenager who looks suspicious at the scene of a crime.

Would Locke justify a protest? YES NO
Why?

LESSON EVALUATION

1 - WHAT IS THE MAIN IDEA THAT WE STUDIED IN THIS LESSON?

The main idea of the lesson is that John Locke influenced the people who wrote the Declaration of Independence and the Constitution.

2 - DESCRIBE THE MAIN IDEA.

John Locke developed two theories about government. One is called the "Social Contract" theory and the other is called "Natural Rights" theory.

3 - GIVE EXAMPLES OF THE MAIN IDEA.

The Declaration of Independence states that all men have unalienable rights, among them are Life, Liberty, and the pursuit of Happiness. This is an example of the influence of Locke's "Natural Rights" theory.

The Constitution could not go into effect until representatives chosen by the people in each of the states approved of the new Constitution. This is an example of Locke's "Social Contract" theory.

4 - GIVE AN EXCEPTION TO THE MAIN IDEA IN THIS LESSON.

There were other thinkers who also influenced the Framers of the Constitution.

[For extra credit some students may wish to find out how Thomas Hobbes or Montesquieu influenced the Framers of the Constitution.]

II-E. ENGLISH INFLUENCES ON THE CONSTITUTION

OBJECTIVES: Students will learn that the Constitution contains ideas (principles) that had their origin in the Magna Carta, the English Bill of Rights, and the English Petition of Right.

PURPOSE: Students will understand that, when writing the Constitution, the Founding Fathers borrowed ideas that were expressed in English documents.

INSTRUCTION

ADVANCED ORGANIZER

1 - Have students determine rules for a club that will meet with the purpose of listening to records (or another club that you may wish to substitute).

Rules may be needed concerning:
- Membership
- Times and places for meeting
- Who will provide the records
- Etc.

2 - Ask students why they suggested particular rules. Were any of their ideas borrowed from previous experiences?

3 - Introduce the concepts of Bibliography and Footnotes. Explain that they are a means to show that ideas are borrowed from someone else. You may wish to use examples from the textbook to illustrate the use of bibliography and footnotes.

TEACHING THE CONTENT

TRANSITION

1 - Introduce Sir Isaac Newton's statement: "I stand on the shoulders of those who came before me."

2 - Ask students to explain how this statement is related to the earlier discussion about the rules for the club, bibliography, and footnotes.

Be certain that students understand that we often benefit from using ideas that others have suggested and/or tried and found to be useful.

3 - After the discussion, tell the students the intent of this exercise was to help them to understand that the writers of the United States Constitution borrowed ideas from English documents that were written at an earlier time. In the lesson that follows we will look for the ideas that were borrowed.

THE MAIN TOPIC

1 - Hand out **READING 1**.

2 - Have students compare the quotations from the Magna Carta and the Constitution. Ask them to write down the main idea that is presented in each document. (See **TEACHER RESOURCES**.)

3 - Have some students read what they have written. Discuss to be certain that all students understand that the main idea is that the punishment should fit the crime.

4 - Explain why this provision was included in the Magna Carta (See **TEACHER RESOURCES**.)

5 - Ask students why this same idea was included in the Constitution. How might life be different for us if this idea had not been included?

6 - Hand out **READING 2** (The Petition of Right - 1626), and **READING 3** (The English Bill of Rights - 1689).

7 - Have students compare the quotations from these documents with those from the Constitution. Ask them to write down the main idea that is presented in each document.

8 - Ask some students to read what they have written. Be certain that all students understand that the main idea from the Petition of Right is that the king (government) cannot collect taxes without the consent of the people (as they are represented in parliament). The main idea from the Bill of Rights is that people have the right to petition (make requests of) the government.

9 - Explain why these provisions were included in the English documents. (See **TEACHER RESOURCES**.)

10 - Ask students why these same provisions were included in the Constitution. How might life be different for us if these provisions had not been included?

READING 1

ENGLISH INFLUENCES ON THE CONSTITUTION
THE MAGNA CARTA (1215)

Following is a section from Clause 20 of the Magna Carta:

> "A freeman shall only be amerced for a small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the offence. . . ."

Amendment VIII of the United States Constitution (1791) states:

> "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

---

1 - What is the main idea presented in these two readings?

READING 2

ENGLISH INFLUENCES ON THE CONSTITUTION
THE PETITION OF RIGHT (1626)

Following is a statement from the English Petition of Right:

> ". . . no tallage or aid should be laid or levied by the king or his heirs in this realm without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses and other freemen of the commonalty of this realm, and by authority of parliament. . . ."

Article I, Section 8, Clause 1 of the United States Constitution states:

> "The Congress shall have power to lay and collect taxes. . . ."

---

1 - What is the main idea presented in these two readings?

____

____

____

____

READING 3

ENGLISH INFLUENCES ON THE CONSTITUTION
ENGLISH BILL OF RIGHTS (1689)

Following is a statement from the English Bill of Rights:

> "That it is the right of the subjects to petition the king and all commitments and prosecution for such petitioning are illegal."

Amendment I of the United States Constitution (1787) states:

> "Congress shall make no law. . . abridging. . . the right of the people. . . to petition the government for a redress of grievances."

---

1 - What is the main idea presented in these two statements?

TEACHER RESOURCES

GENERAL BACKGROUND:

The ideas of self-government expressed in the United States Constitution reach far back into history. In England these ideas came into existence as a result of (1) a concern about limiting the power of kings, (2) a desire of people to govern themselves, and (3) a desire to gain individual liberties.

During the Middle Ages, the king and the barons each had certain responsibilities. The king was to keep peace, provide protection against foreign invasion, and provide justice when disputes arose. The barons were to pay tax money to carry on the business of the kingdom, be loyal to the king, and provide military service. The common people had no voice in government.

THE MAGNA CARTA

King John was a selfish king. Among other things, he placed unreasonable tax demands on the barons and assigned unreasonable fines in court. In response, in 1215 the barons forced King John to sign the Magna Carta. This charter limited the power of the king and increased the power of the barons. Although the Magna Carta was written by and for the barons, it is considered the foundation of individual rights and liberties for all English-speaking people.

THE PETITION OF RIGHT

King Charles I believed that kings were responsible only to God for their actions; this is called the Divine Right theory of governing. Therefore, he tried to rule without Parliament. However, he was forced to call Parliament into session in 1626 to get tax money to pay the debt of wars with France and Spain. Parliament, however, forced Charles to sign the Petition of Right in order to get the money. The petition limited the power of the king and increased the power of Parliament.

THE ENGLISH BILL OF RIGHTS

James II wanted Catholics in government office. The Parliament, however, was Puritan. They decided to remove James and put his daughter Mary, and her husband William (both Protestants), on the throne. In order to become rulers, William and Mary had to agree to the provisions in the Bill of Rights (1689).

LESSON EVALUATION

1 - WHAT IS THE MAIN IDEA?

The main idea of the lesson is that the writers of the Constitution borrowed some ideas from England when they wrote the Constitution.

2 - DESCRIBE THE MAIN IDEA.

The writers of the Constitution borrowed from at least three English documents when they wrote the Constitution. They borrowed from the Magna Carta (1215), the Petition of Right (1626), and the Bill of Rights (1689).

3 - GIVE AN EXAMPLE OF THE MAIN IDEA.

Amendment VIII of the United States Constitution (1791) states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." This is like the provision in Clause 20 of the Magna Carta (1215) which states: "A freeman shall only be amerced for a small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the offence. . . ."

This means that the idea that the punishment should fit the crime (one should receive a small punishment for a small crime and a more severe punishment for a larger crime) was borrowed by the writers of the Constitution from the writers of the Magna Carta.

4 - GIVE AN EXCEPTION TO THE MAIN IDEA.

Not all ideas were borrowed. Some were new. The ideas about having a written constitution and a President were new.

CHAPTER III

WRITING AND RATIFYING THE CONSTITUTION

CHAPTER III

WRITING AND RATIFYING THE CONSTITUTION

OVERVIEW AND OBJECTIVES

The lessons of Chapter III provide students with the opportunity to understand important aspects of the writing and ratifying of the Constitution. Students learn the reasons why the Founding Fathers felt a new government was essential and the political steps which had to be taken to bring the new government into existence. Through an examination of some of the new Constitution's provisions students learn about the founders' perceptions of flaws in the Articles of Confederation. They also investigate the series of major compromises made during the Convention and learn how men of differing views prepared a document that was acceptable to all though not achieving any one person's idea of perfection.

The biographical lessons help students understand how and why delegates to the Convention responded as they did to governmental reform. These lessons show how differing backgrounds affected the outcomes at the Convention, and reiterate the need for compromise. The interlinking relationships of the lives of the delegates are highlighted, as well as the impact of the new government on their political futures. The role play will solidify this knowledge by personalizing some of the major delegates. The lesson on ratification of the Constitution demonstrates that proposing a document was just the beginning. The supporters of the new Constitution needed to persuade the citizens of a doubting nation that change meant improvement in their lives. In time the Constitution would come to be virtually worshiped, but to many Americans in 1788 it was a **coup d'etat** by a group convened to amend the Articles of Confederation rather than supplant them.

LISTING OF LESSONS IN THIS CHAPTER

III-A. REMEDIES FOR DEFECTS IN THE ARTICLES OF CONFEDERATION

III-B. COMPROMISES IN THE CONSTITUTION

III-C. BIOGRAPHIES OF THE FRAMERS

III-D. WRITING THE CONSTITUTION: A REENACTMENT

III-E. THE BATTLE TO OBTAIN RATIFICATION OF THE CONSTITUTION

III-A. **REMEDIES FOR DEFECTS IN THE ARTICLES OF CONFEDERATION**

OBJECTIVES: Students will:

1 - understand seven defects in the Articles of Confederation,

2 - identify specific provisions in the new Constitution that were designed to remedy these weaknesses, and

3 - recognize the achievements that took place under the Articles of Confederation.

PURPOSE: Students will learn about provisions placed in the Constitution that were designed to remedy defects in the Articles of Confederation.

INSTRUCTION

ADVANCED ORGANIZER

1 - Present the following situation:

People living on the streets surrounding where you live tell you that you must pay a $5.00 fee per week if you want to travel on their streets. They explain they are charging this fee because they don't want so much traffic on their streets.

2 - Ask students if they are aware of anything that people living in their block could do if they wish to correct this problem.

3 - If the students do not think of the idea that one must obtain permission from the city to impose such a tax, then inform them that city law would probably prohibit the residents of one street from imposing a tax (fee) on people who wish to use their street.

TEACHING THE CONTENT

TRANSITION:

1 - Explain that this lesson will consider problems similar to the one that was just discussed. Problems such as this led to the writing of the United States Constitution.

THE MAIN TOPIC:

1 - Show pictures on an overhead projector that illustrate weaknesses of the government under the Articles of Confederation and have students identify the weaknesses. For each weakness have students complete questions 1, 2 and 3 listed on the **WORKSHEET**. (An alternative method for identifying the weaknesses illustrated in the pictures would be to divide the class into seven groups and have each group examine a different picture.) Pictures are included in the **TEACHER RESOURCES**.

2 - An examination of the pictures should reveal the following weaknesses:
   A. Congress could only ask the states to pay taxes; it had no enforcement power;
   B. Congress could not control trade among the states;
   C. Congress did not have the sole right to deal with foreign countries; some states tried to set up their own trade agreements, disregarding treaty provisions made by Congress;
   D. Congress could only ask states to send soldiers to serve in an army; it could not require the states to send them;
   E. There was no full-time executive to carry out the laws passed by Congress;
   F. There was no judicial branch; thus, there was no provision for settling quarrels between the states;
   G. Amendments to the Articles required the approval of all 13 states.

3 - Summarize by pointing out that the government under the Articles did not create a unified nation that was to replace the independent states. Rather, the 13 states remained equal and independent. They cooperated with each other primarily to provide protection from foreign interference.

4 - Have students study **READING 1**. Have students complete questions 4 and 5 on the **WORKSHEET** for those items in ARTICLE I that are efforts to remedy defects in the Articles.

5 - Show pictures 1, 2, 3, and 4 on the overhead projector that illustrate these changes from the government under the Articles. The pictures are included in the **TEACHER RESOURCES** material.

6 - Discuss the powers given to Congress in the areas of taxation, commerce, coining of money, and the military; note the specific limitations placed on the states regarding the coining of money and the use of the military.

7 - Have students study **READING 2, READING 3** and **READING 4.** Ask them to complete questions 4 and 5 on the **WORKSHEET** for those defects that are dealt with in these sections of the Constitution.

8 - Show pictures 5, 6 and 7 that illustrate these changes. Students should identify the following provisions:

A. A president was to be the chief executive with power to take action in important areas.
B. Courts were established with authority to settle disputes between states.
C. The approval of only three-fourths of the states was required to amend the Constitution.

9 - It is also important to remind students that some significant achievements occurred during the period of government under the Articles. (This fact is easily forgotten when concentrating on the defects of the Articles.) Items to emphasize are:

A. Passage of the Northwest Ordinance of 1787 which set a pattern for organization of the territories and the subsequent admission of new states into the Union as well as the spreading of representative democracy across the continent;
B. Achievement of the Treaty of Paris, 1783;
C. Passage of the Land Ordinance of 1785 which provided for the sale of land to support public education;
D. Creation of an elementary federal system of government; this served as a basic model for government under the Constitution;
E. Experiments in mutual agreements of state governments, which kept alive the idea of union; and
F. Experience in broad construction (expanding of a limited government) such as the Bank of North America and the Northwest Ordinance.

CLOSING THE LESSON

1 - Have students complete the **LESSON EVALUATION** form.

2 - Ask students to write a paragraph that: (A) describes the major weaknesses experienced by the government under the Articles of Confederation, and (B) explains how these weaknesses were corrected when the Constitution was written.

WORKSHEET
DEFECTS IN THE ARTICLES OF CONFEDERATION

1 - What defect is described in the picture?

2 - What would you expect would happen if this situation is not corrected?

3 - What change is needed to correct this situation?

4 - What change does the Constitution suggest?

5 - What do you think will be the result of the new situation proposed in the Constitution?

READING 1

Directions:

Following are some important parts of Article I of the Constitution. Read them and identify remedies for defects in the Articles of Confederation.

ARTICLE I, Section 8, Clause 1:
The Congress shall have Power to lay and collect taxes . . .

ARTICLE I, Section 8, Clause 3:
[The Congress shall have Power] to regulate Commerce with foreign Nations, and among the several States. . . .

ARTICLE I, Section 8, Clause 5:
[The Congress shall have Power] to coin Money . . .

ARTICLE I, Section 8, Clause 12:
[The Congress shall have Power] to raise and support Armies. . . .

ARTICLE I, Section 10, Clause 1:
No State shall. . . coin money. . . .

ARTICLE I, Section 10, Clause 3:
No State shall, without the Consent of Congress. . . keep Troops or Ships of War in time of Peace. . . or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

READING 2

Directions:

Following are some important parts of Article II of the Constitution. Read them and identify those that are remedies for defects in the Articles of Confederation.

ARTICLE II, Section 1, Clause 1:
The executive Power shall be vested in a President of the United States of America.

ARTICLE II, Section 2, Clause 1:
The President shall be Commander in Chief of the Army and Navy of the United States. . . .

ARTICLE II, Section 2, Clause 2:
He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur. . . .

ARTICLE II, Section 3, Clause 1:
He shall from time to time give the Congress Information of the State of the Union, and recommend to their consideration such Measures as he shall judge necessary and expedient. . . .

READING 3

Following are some important parts of Article III of the Constitution.

ARTICLE III, Section 1:

> The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

ARTICLE III, Section 2:

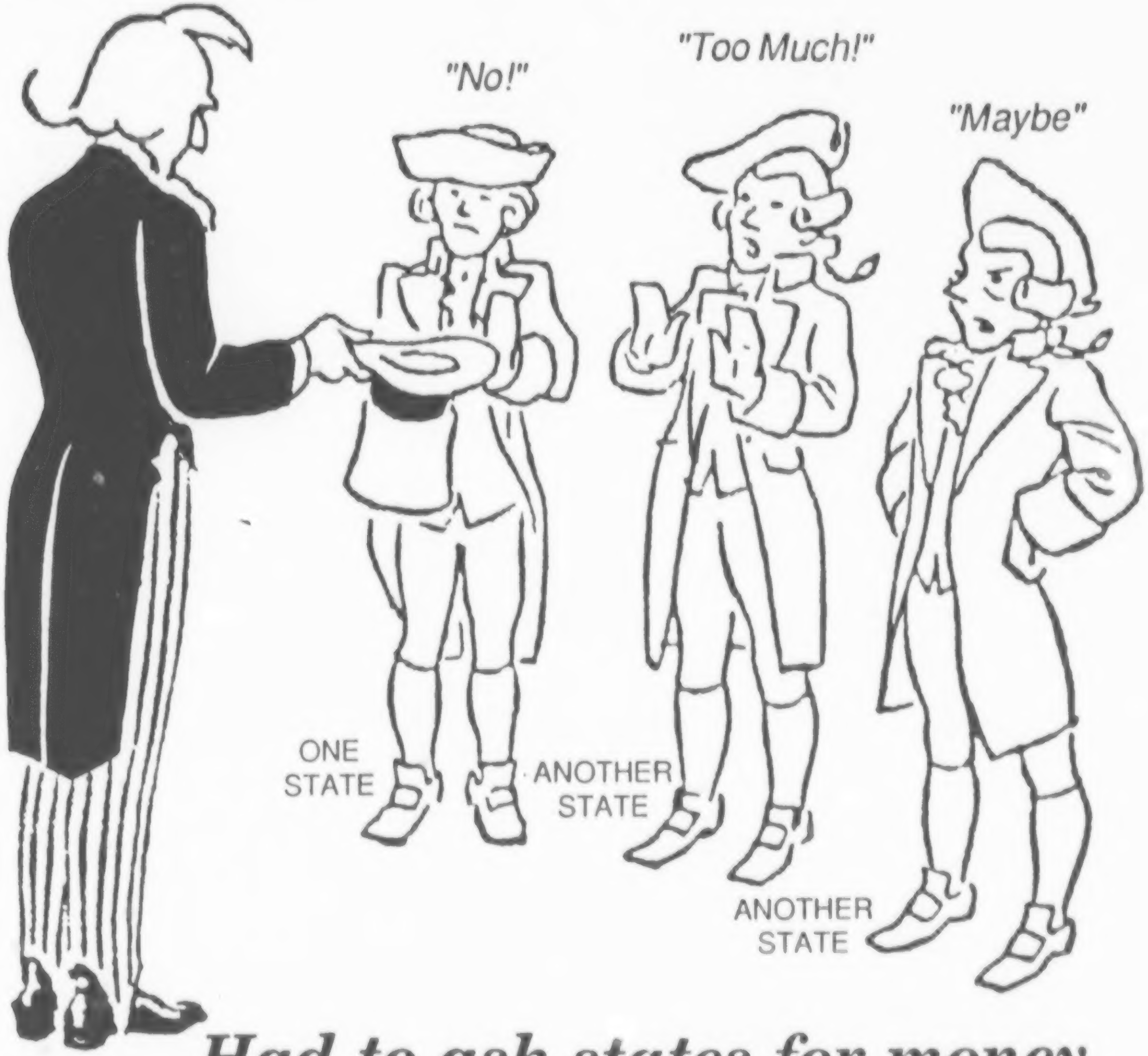
> The judicial Power shall extend to all Cases . . . arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority . . . to Controversies between two or more States . . . [and] between Citizens of different States. . . .

READING 4

ARTICLE V:

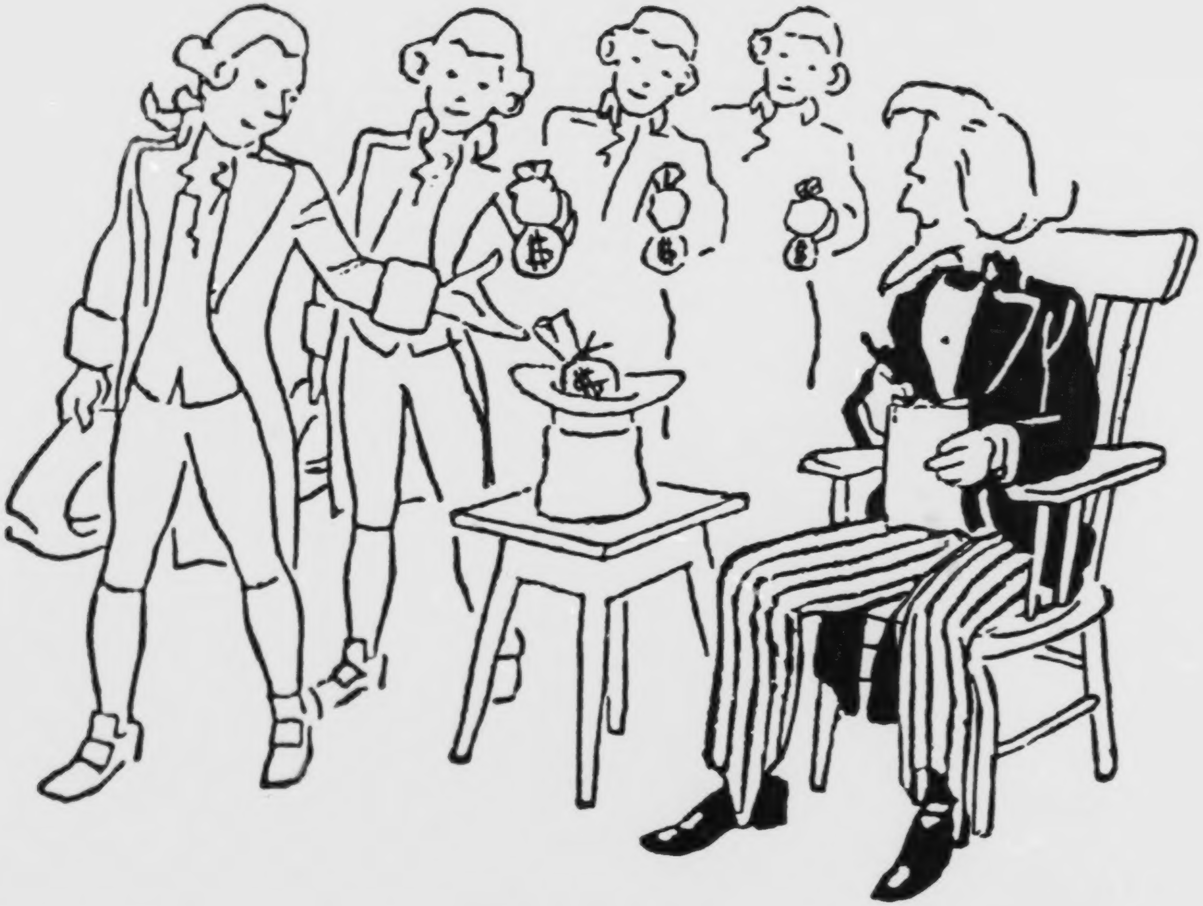
> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . . which . . . shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States . . . .

Confederation


"No!"
"Too Much!"
"Maybe"
ONE STATE
ANOTHER STATE
ANOTHER STATE

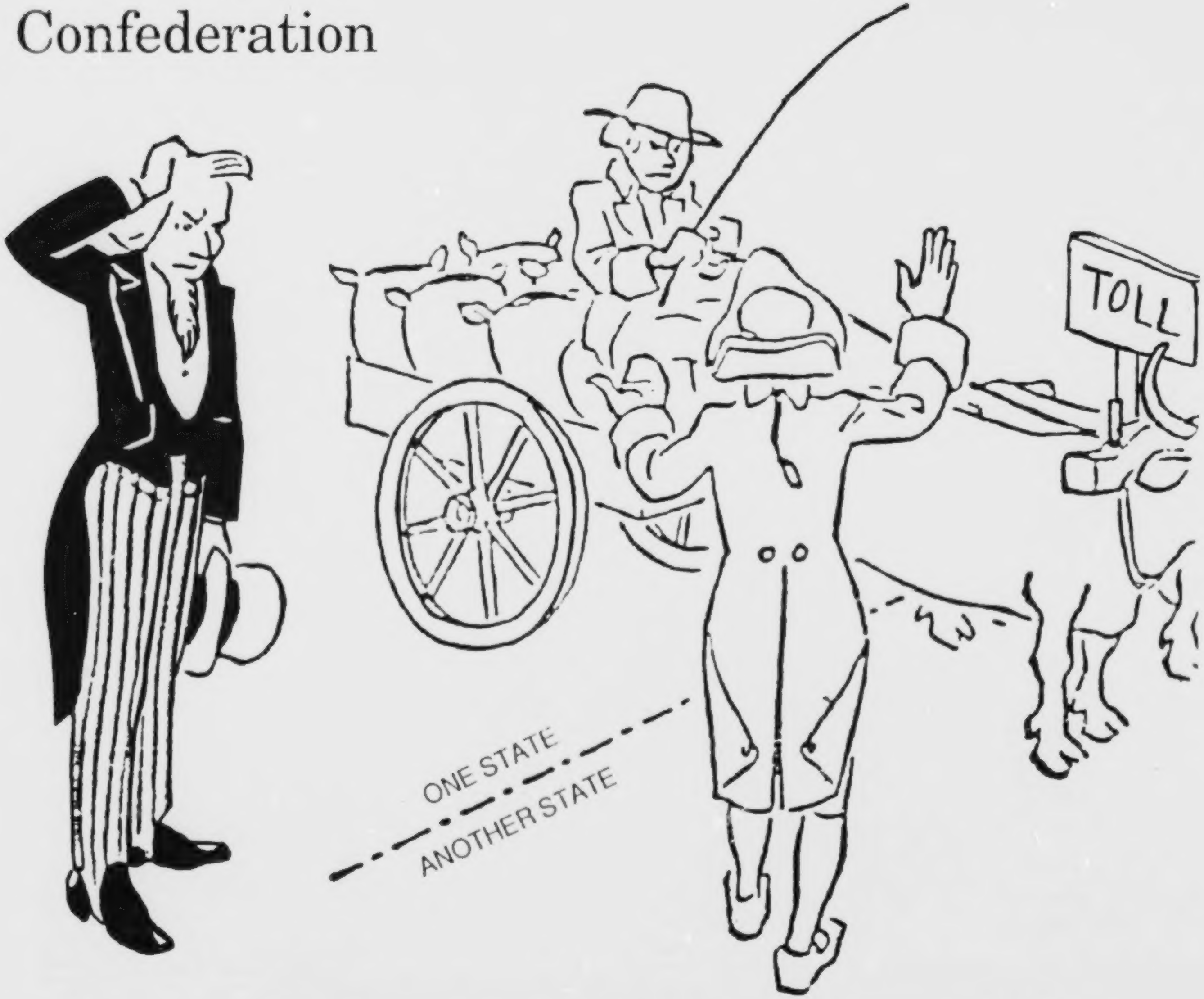
Had to ask states for money

Constitution

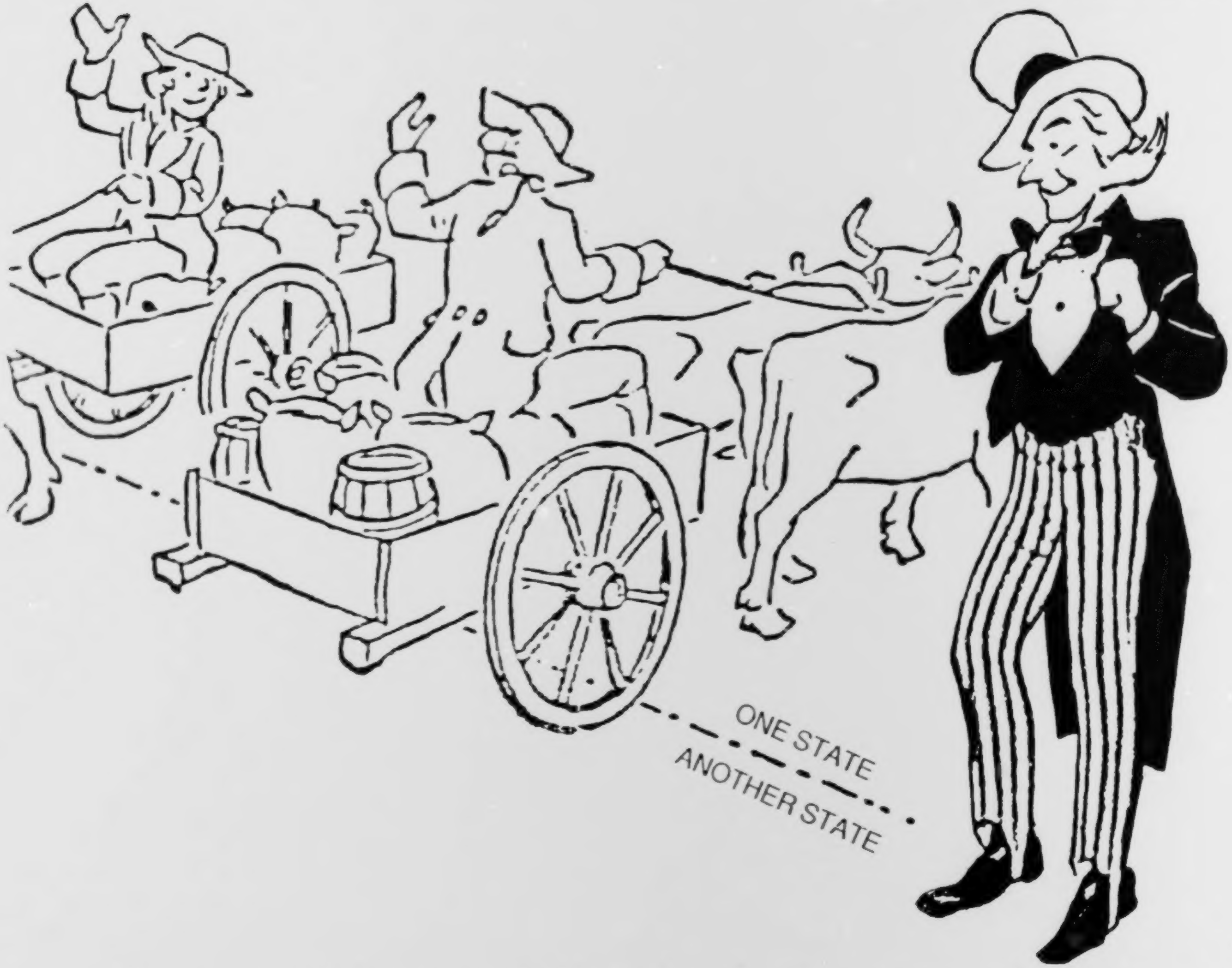


Could tax people directly

Confederation

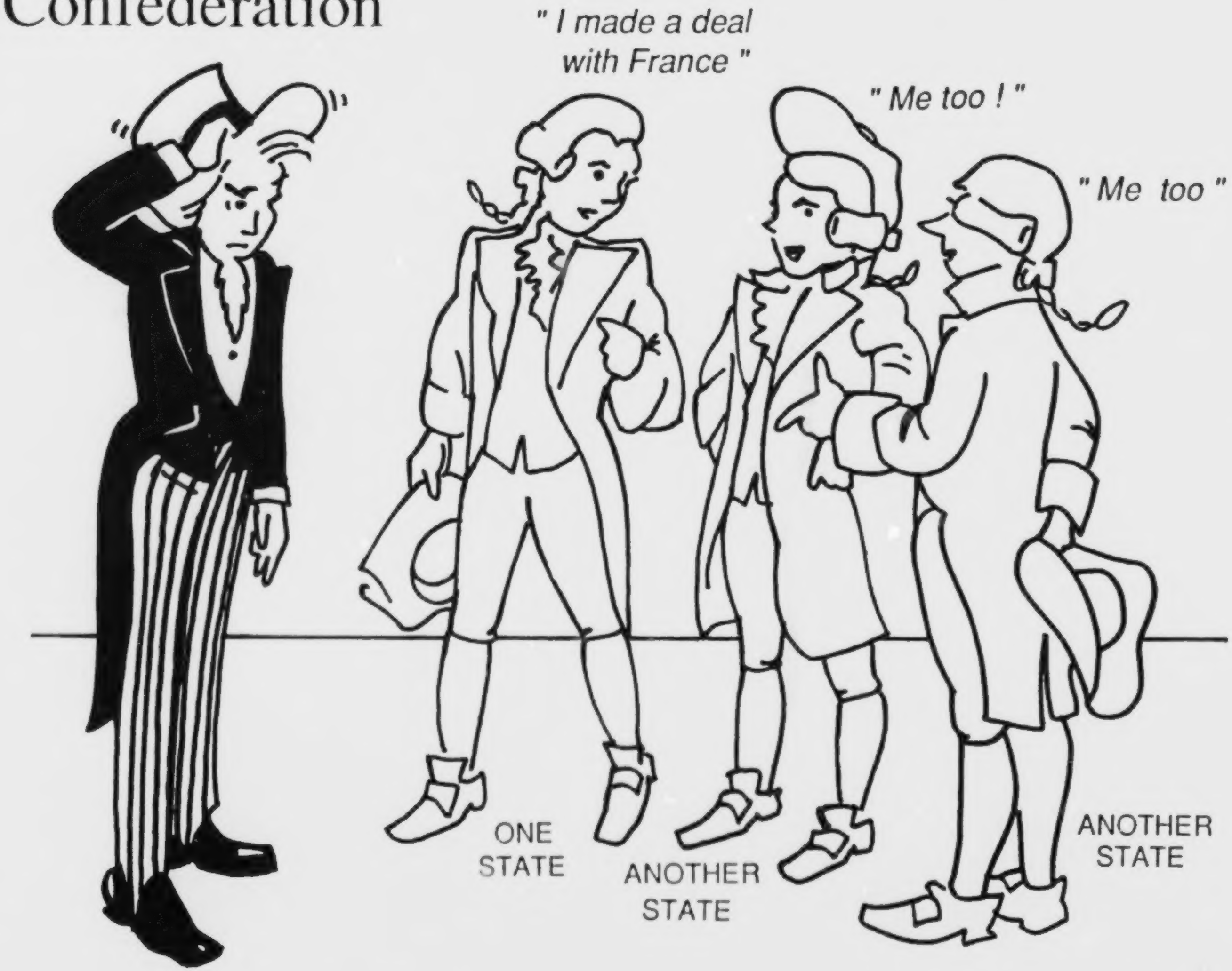

TOLL
ONE STATE
ANOTHER STATE

No control over trade between states

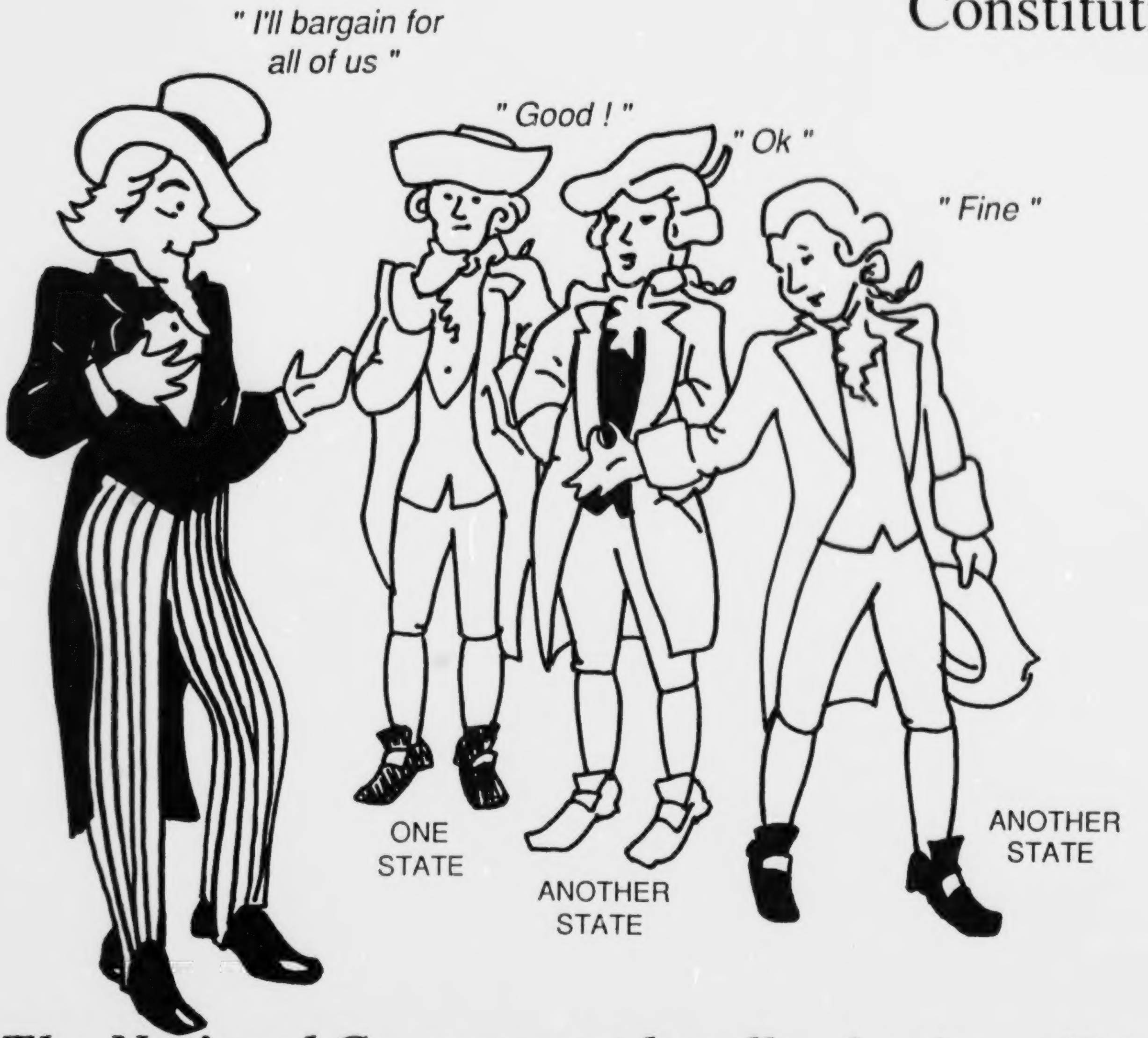

ONE STATE
ANOTHER STATE

Supervision of trade between states

Confederation

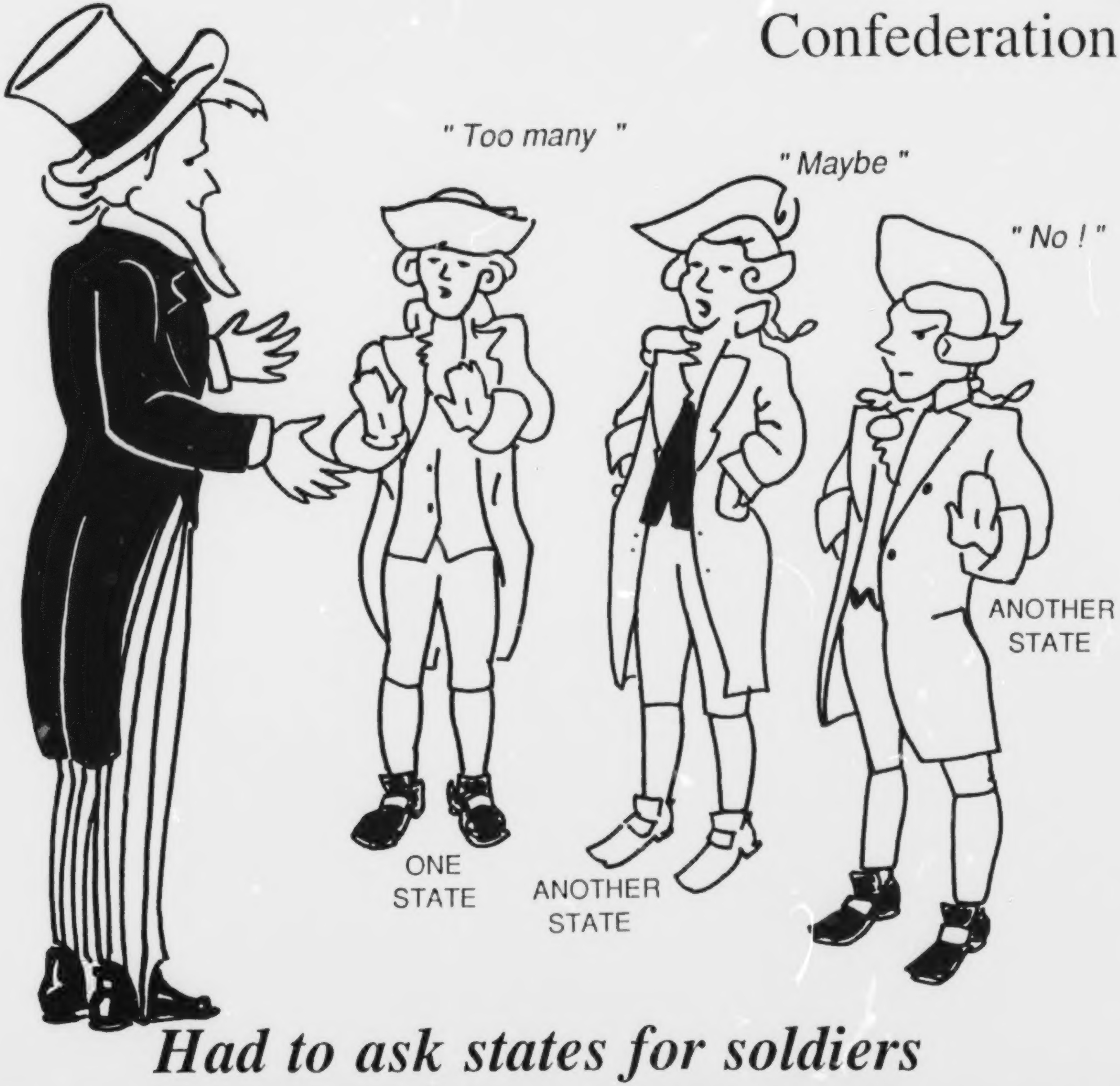

" I made a deal with France "
" Me too ! "
" Me too "
ONE STATE
ANOTHER STATE
ANOTHER STATE

States made agreements with other nations


" I'll bargain for all of us "
" Good ! "
" Ok "
" Fine "
ONE STATE
ANOTHER STATE
ANOTHER STATE

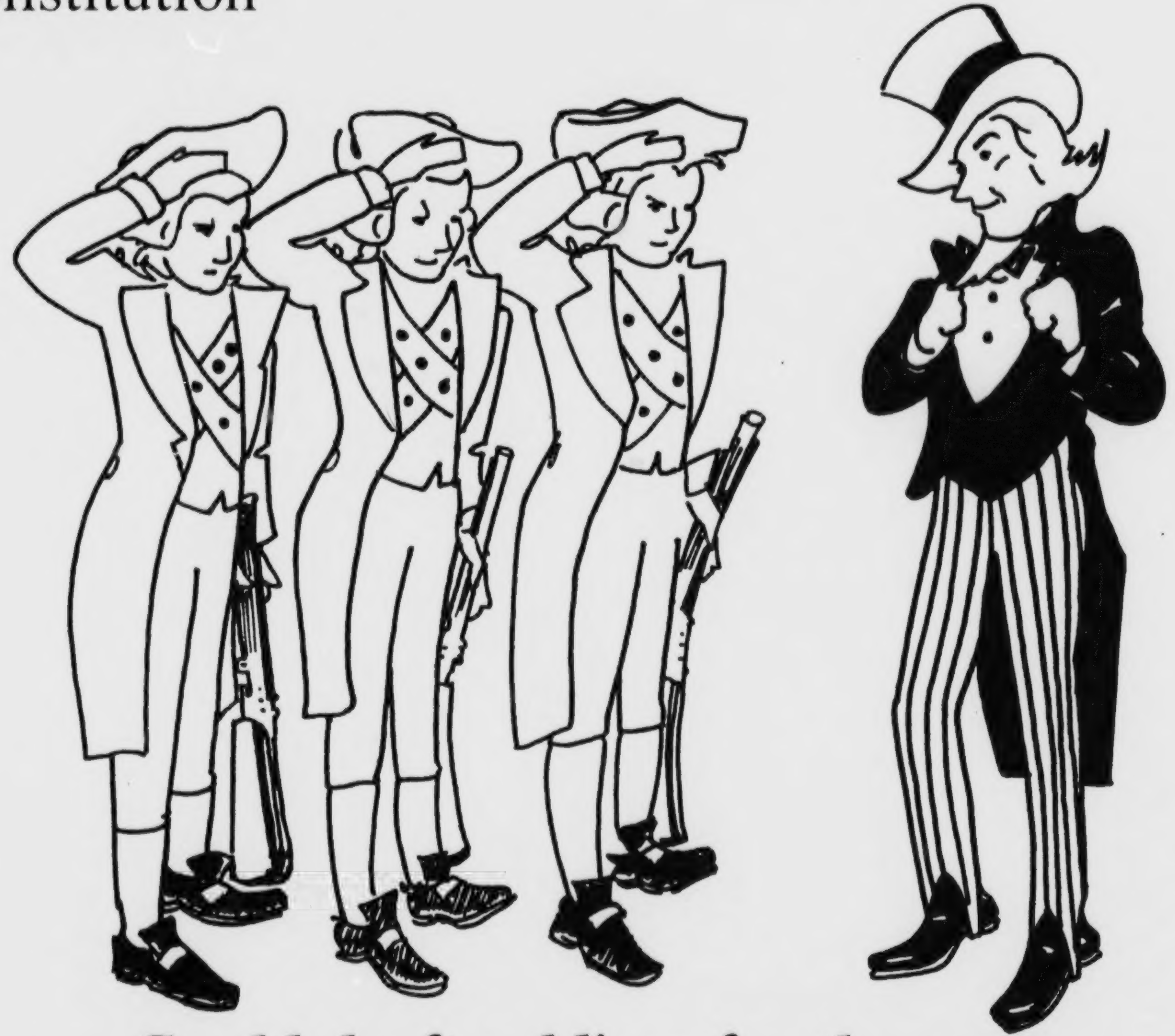
The National Government handles foreign affairs

Confederation


" Too many "
" Maybe "
" No ! "
ONE STATE
ANOTHER STATE
ANOTHER STATE

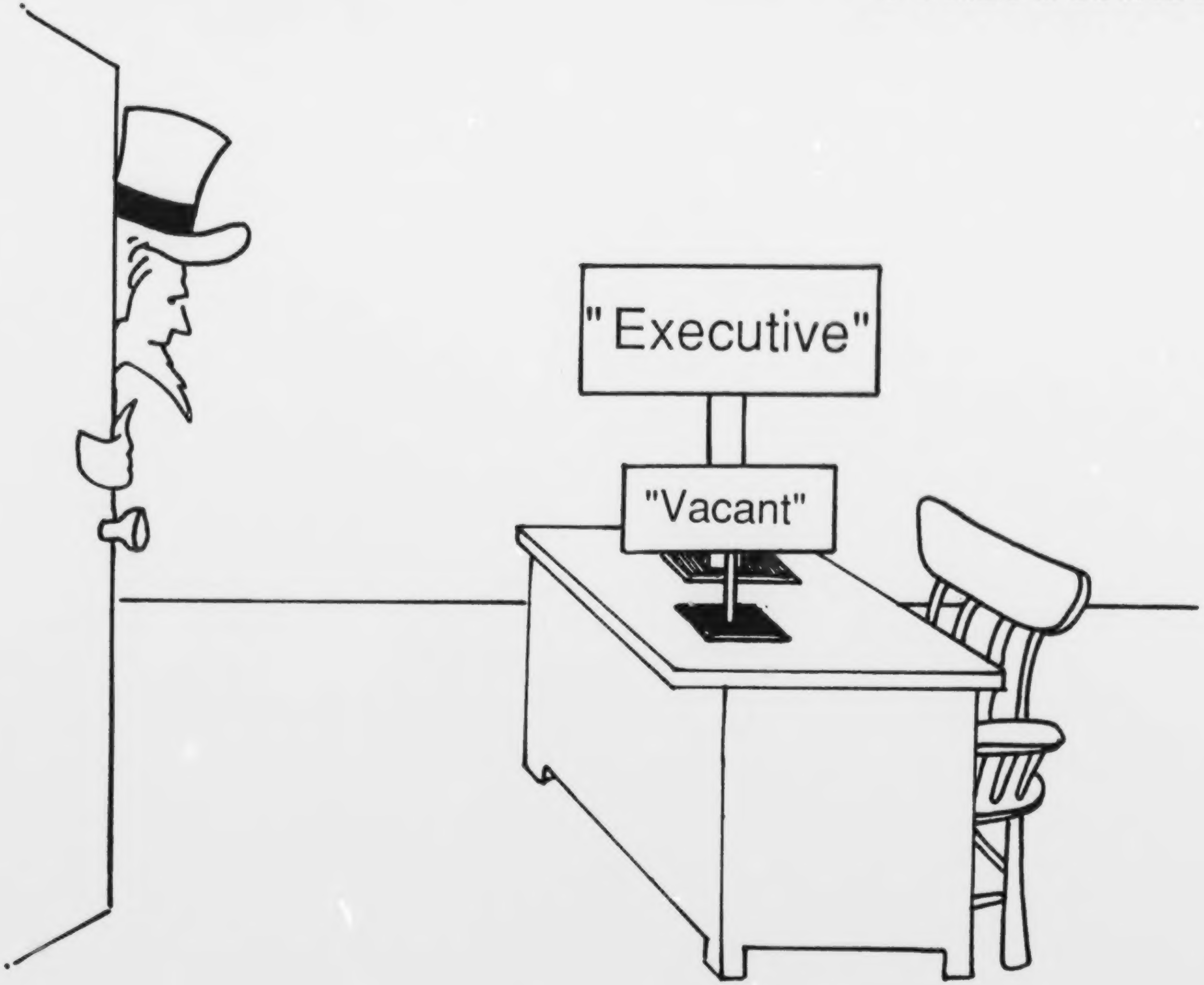
Had to ask states for soldiers

Constitution

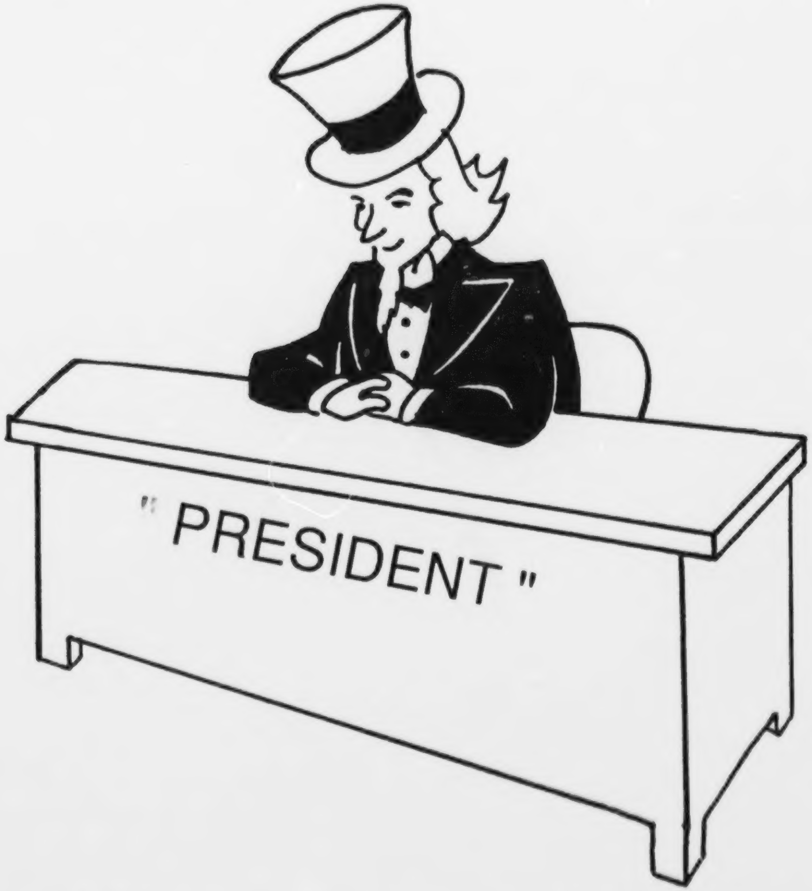


Could draft soldiers for the army

Confederation

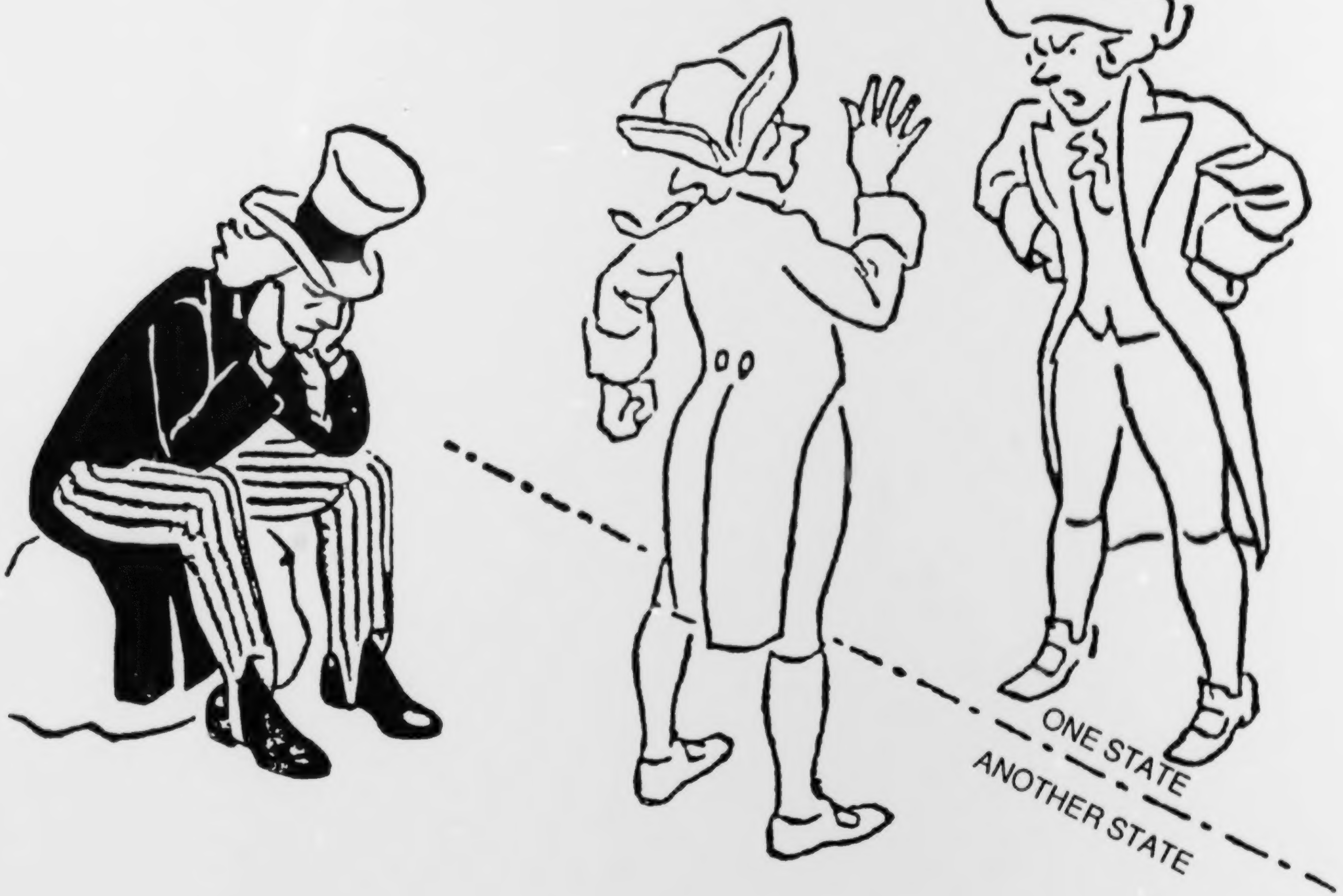

"Executive"
"Vacant"

No full-time executive to carry out the laws

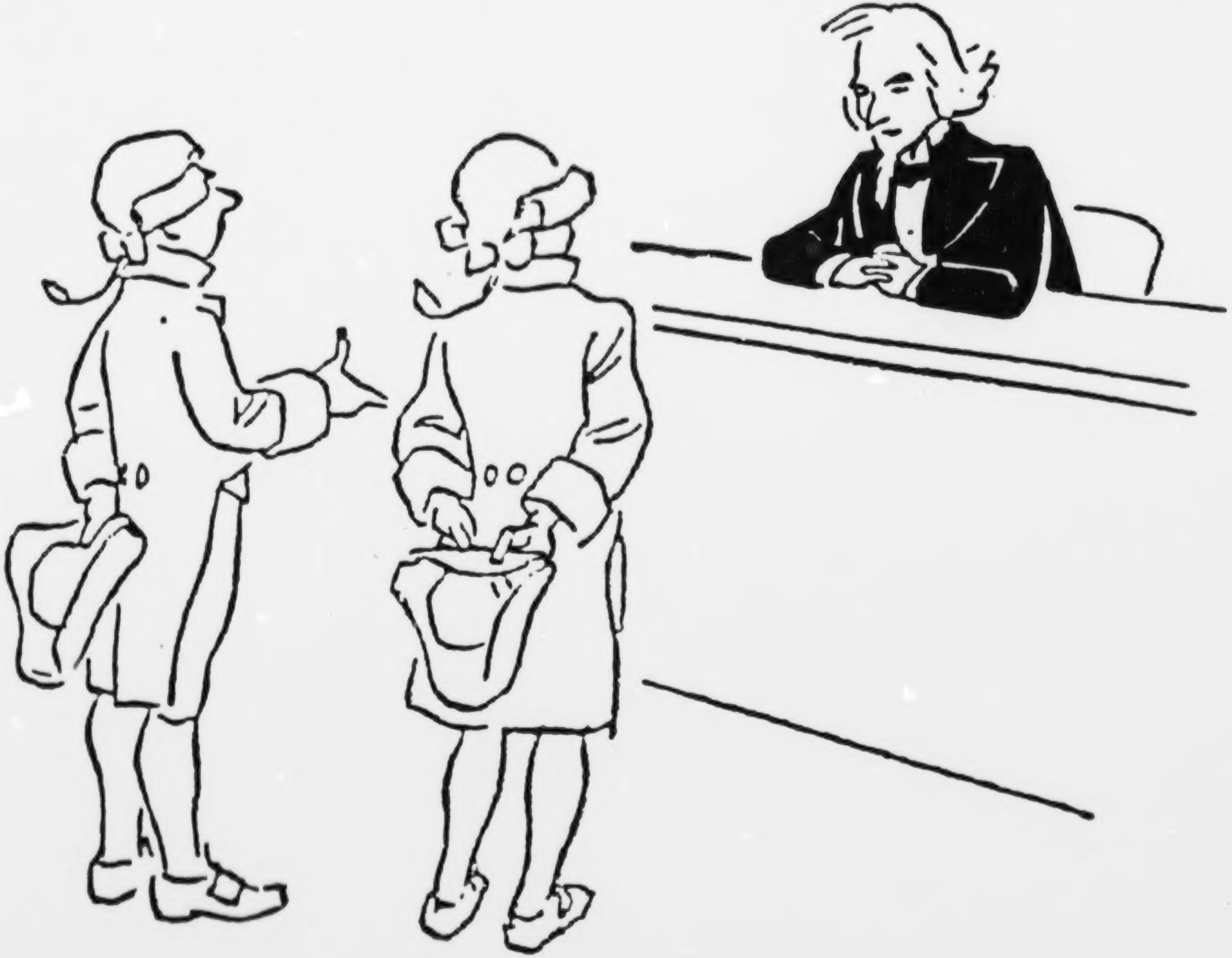


A President to carry out the laws

Confederation

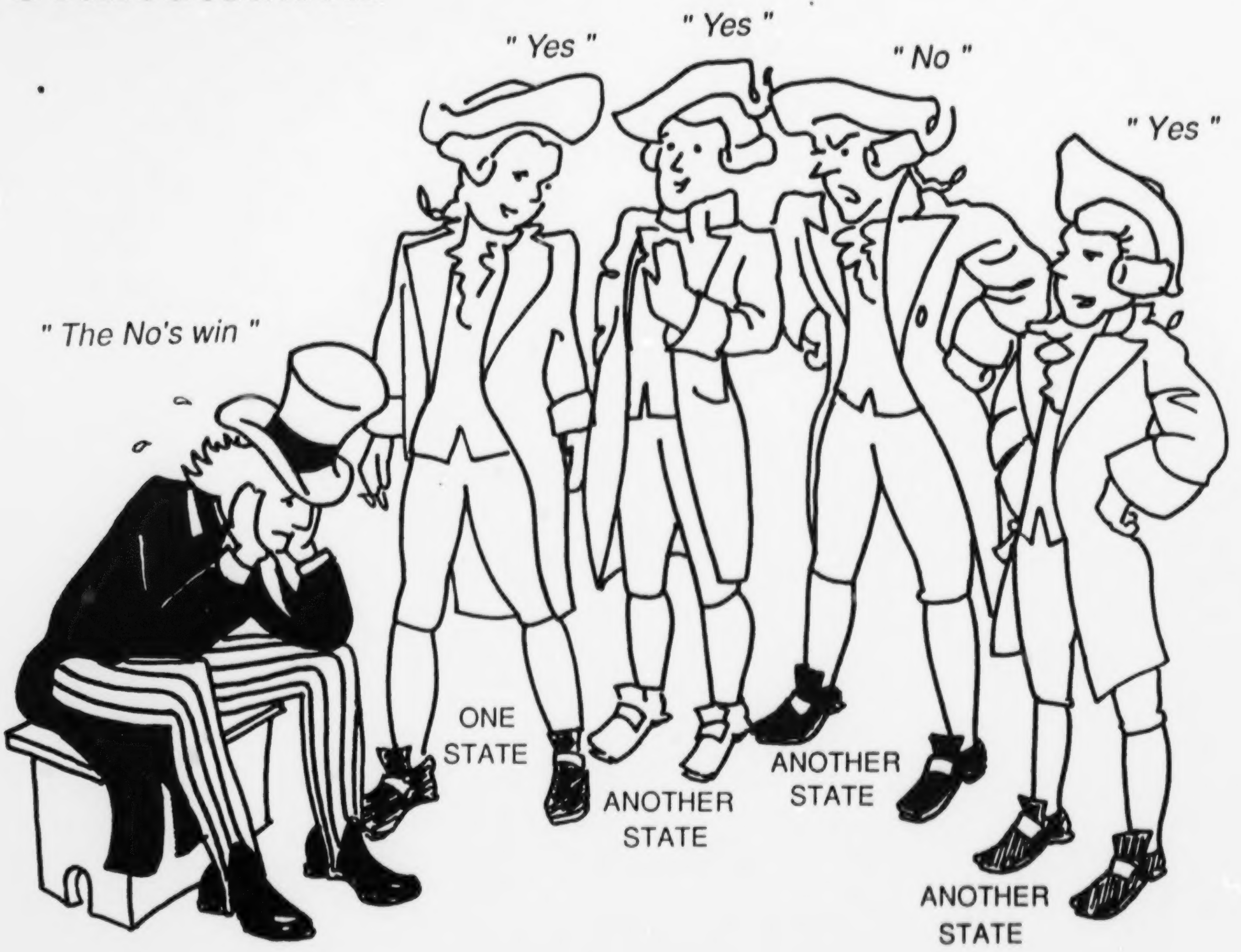

ONE STATE
ANOTHER STATE

No way to settle quarrels between states

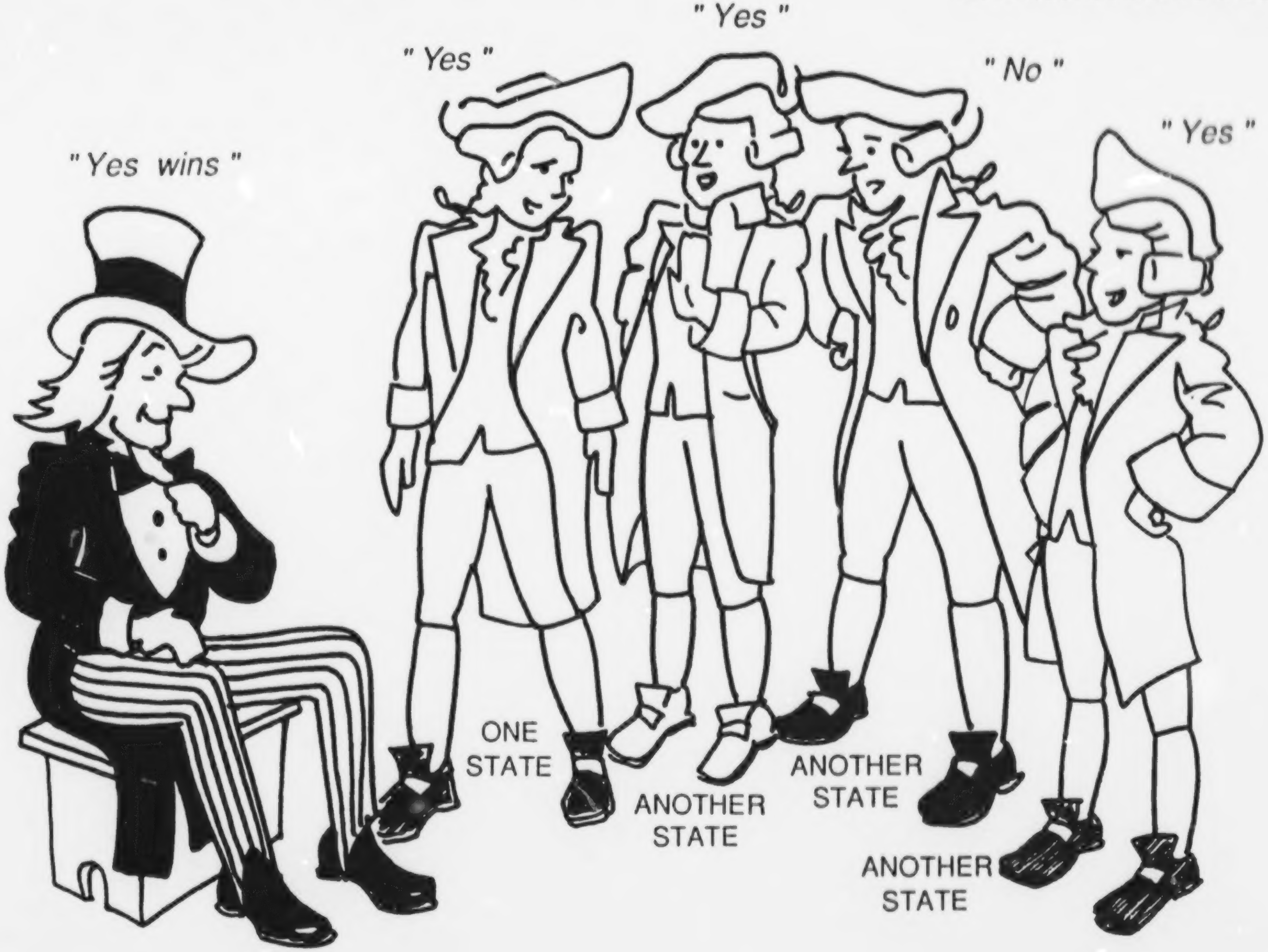


Courts to settle quarrels between states

Confederation


" The No's win "
" Yes "
" Yes "
" No "
" Yes "
ONE STATE
ANOTHER STATE
ANOTHER STATE
ANOTHER STATE

Amendments require the approval of all


"Yes wins"
"Yes"
"Yes"
"No"
"Yes"
ONE STATE
ANOTHER STATE
ANOTHER STATE
ANOTHER STATE

A three-fourths majority needed

LESSON EVALUATION

1 - WHAT IS THE MAIN IDEA?

The main idea of the lesson is that some provisions in the United States Constitution were included to remedy defects that existed during the period of time when the Articles of Confederation was the governing document.

2 - DESCRIBE THE MAIN IDEA.

There were seven major defects in the Articles of Confederation that led to including provisions in Articles I, II, III, and V of the Constitution that were designed to remedy these defects. (These remedies led to a stronger national government.)

3 - GIVE AN EXAMPLE OF THE MAIN IDEA.

Article I, Section 8, Clause 3 of the Constitution states that "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States. . . ."

This provision was designed to remedy the problems that existed under the Articles of Confederation. Congress could not control trade among the states and Congress did not have the sole right to deal with foreign countries.

4 - GIVE AN EXAMPLE THAT SHOWS A BENEFIT OF GOVERNMENT UNDER THE ARTICLES OF CONFEDERATION.

The Land Ordinance of 1785 helped to further public education in the United States.

III-B. COMPROMISES IN THE CONSTITUTION

OBJECTIVE: This lesson will enable students to understand:

1 - the concept of compromise,
2 - three major compromises adopted at the Constitutional Convention,
3 - how and why these compromises were reached, and
4 - the consequences of these compromises.

PURPOSE: Students will have an understanding of the importance of compromise in reaching decisions among groups of people who have different ideas. Students will also recognize the goal that each of the major compromises adopted at the Constitutional Convention was intended to accomplish.

INSTRUCTION

INTRODUCTION

1 - Write the word "COMPROMISE" on the board. Ask students what the word means to them. Ask students to provide an example of a compromise. (Help them to understand that a compromise involves each side getting some of what they want as well as giving up something so that an agreement can be reached.)

2 - Check their understanding of compromise by asking questions relating to their experience; for example, "What do two family members have to do if each shares the same bike?" or "What do family members need to do if all members want to go on a different vacation?"

3 - Inform the class that today's lesson will help them to understand why compromises were very important when the delegates to the Constitutional Convention decided the form of government we should have in the United States.

TEACHING THE CONTENT

1 - Introduce **READING 1** by saying that delegates from 12 states attended a meeting in Philadelphia in the summer of 1787 to discuss how the Articles of Confederation could be improved.

2 - Have students study **READING 1**. Ask them to identify the three major decisions discussed in the reading.

3 - Have students enumerate the major decisions discussed in **READING 1.**
-- George Washington presides
-- Throw out the Articles of Confederation
-- Hold meetings in secret

Discuss the importance of each decision. (See **TEACHER RESOURCES** for an explanation of the importance of these decisions.)

4 - Indicate that several important compromises were needed for the delegates to reach agreement on a new plan of government. Then have students study **READING 2.** Have them identify the disagreement this reading describes.

5 - Discuss the disagreement. What would Virginia gain if representation were to be determined on the basis of population? (The Virginia Plan)

Why did New Jersey have a different plan? (The New Jersey Plan)

What was the compromise? What might have happened without it? (See **TEACHER RESOURCES.**)

6 - Have students read and discuss **READING 3.** Ask them to identify the disagreement and the compromise.

7 - Discuss the disagreement. What difference could it make to the North if slaves were counted? to the South?

What was the compromise? What might have happened without it? (See **TEACHER RESOURCES.**)

8 - Have students read and discuss **READING 4.** Ask them to identify the disagreement and the compromise.

9 - Discuss the disagreement. What did the South want? Why? What did the North want? Why?

What was the compromise? What might have happened without it?

What later period of U.S. history should be looked toward to learn what happened as a result of this compromise?

Why do you suppose the writers of the Constitution avoided the words "slavery" and "slaves"?

(See **TEACHER RESOURCES.**)

CLOSING THE LESSON

1 - Assign ACTIVITY WORKSHEET 1.

2 - Assign ACTIVITY WORKSHEET 2.

3 - Have students complete WORKSHEET 3.

READINGS ABOUT THE CONSTITUTIONAL CONVENTION

READING 1

Although a total of 55 men attended the meeting in Philadelphia at one time or another, only about 35 attended most of the meetings. They unanimously elected the most famous American at that time, George Washington, to be the President of the Convention. They also decided that since the Articles of Confederation could not be revised satisfactorily, they would need to write a new plan of government. Further, they decided that their meetings would be closed to outsiders and they would not tell other people what they were discussing.

READING 2

The delegates disagreed about how the states would be represented in the lawmaking body that was to be called Congress. Delegates from Virginia, a state with a large population, wanted the number of representatives to be determined by the number of people living in each state. The delegates from New Jersey, a state with a small population, proposed that each state should have an equal number of representatives, as they did under the Articles of Confederation. With the help of delegates like Benjamin Franklin, who set a tone for open debate, the delegates were able to agree on a compromise. They decided to have a bicameral (two-house) legislature with a different form of representation in each house. This compromise is described in the following sections of the Constitution.

ARTICLE I, Section 1:

All legislative Powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

ARTICLE I, Section 2, Clause 3:

Representatives. . . shall be apportioned among the several States. . . according to their respective Numbers . . .

ARTICLE I, Section 3, Clause 1:

The Senate of the United States shall be composed of two Senators from each state . . .

ARTICLE I, Section 7, Clause 1:

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur in Amendments as on other Bills.

READING 3

Next, there was disagreement concerning how the population in each state would be counted when determining how many votes each state would have in Congress. The North did not want slaves to be counted; the South did. The compromise reached was called the three-fifths compromise. It is described in the following section of the Constitution:

ARTICLE I, Section 2, Clause 3:

Representatives. . . shall be apportioned among the several States. . . according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons. . . three fifths of all other Persons.

READING 4

The southern states did not want Congress to place limitations on bringing slaves into the country, while the northern states wanted Congress to have complete control of trade with foreign countries. The compromise reached is shown in the following sections of the Constitution.

ARTICLE I, Section 8, Clause 3:

[The Congress shall have Power] to regulate Commerce with foreign Nations, and among the several States. . . .

ARTICLE I, Section 9, Clause 1:

The Migration or Importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight. . . .

ACTIVITY WORKSHEET I

FILL-IN THE CORRECT ANSWER:

READINGS 2 and 3

1. ________________ was a state with a large population.

2. ________________ was a state with a small population.

3. The large states and the small states reached a compromise by agreeing to have a ________________ legislature in which the states would have ______________ representation in the Senate and the number of members in the House of Representatives would be determined by the _____________ in each state.

4. Another disagreement concerned how the ________________ of each state would be determined when deciding how many representatives the state would have in the Congress.

5. The South wanted __________ counted, but the North did not.

6. The compromise reached in this case is called the __________ compromise.

READING 4

7-8. The ______________ states did not want Congress to limit the external slave trade, but the ___________________ states wanted Congress to have complete control over the slave trade.

9-10. The compromise reached gave __________________ power to regulate commerce, but not to limit the slave trade until the year ______________.

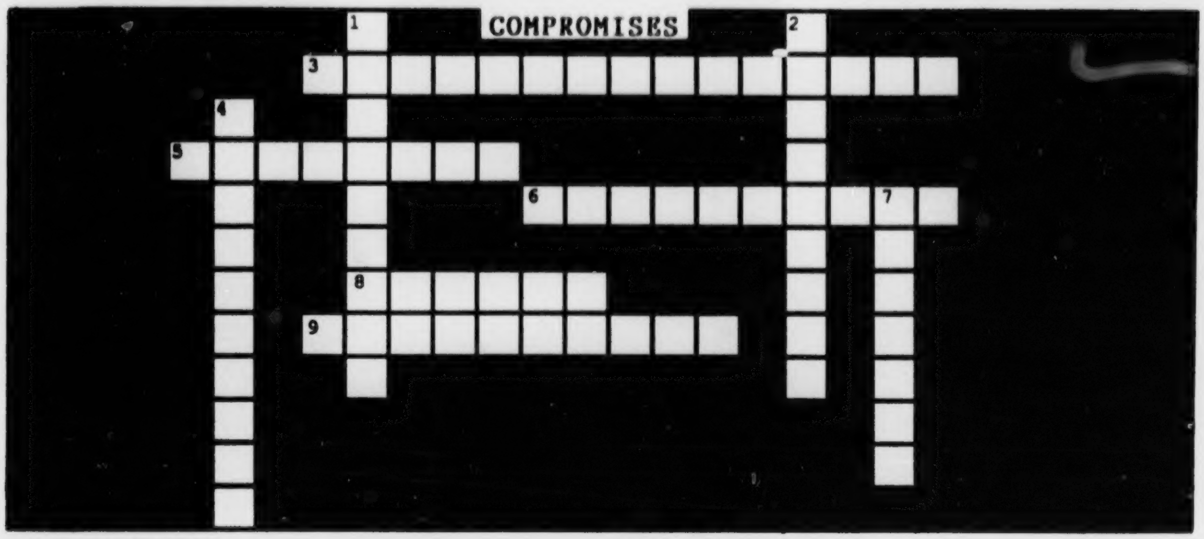
THINK!

In what way did compromise play an important part in the writing of our Constitution?

GIVE AN EXAMPLE:

Describe a present-day situation settled by a compromise.

ACTIVITY WORKSHEET 2



ACROSS CLUES

3. People chosen by a group to act for it.
5. Business or trade
6. Agreement by both sides, each giving up part of what it wants.
8. New England goal in slavery compromise
9. System of shared authority by central and state governments

DOWN CLUES

1. People chosen to attend and represent others.
2. Having two parts to Congress.
4. The number of people living in a certain place
7. Cause of one major compromise

WORD LIST:

BICAMERAL
COMMERCE
FEDERALISM
COMPROMISE
DELEGATES
SLAVERY
POPULATION
REPRESENTATIVES
TRADE

ANAGRAM:

Constitution Many in needed were compromises writing the

____

WORKSHEET 3

1 - At one point during the Constitutional Convention, George Washington wrote the following words to a friend: "I almost despair of seeing a favorable issue to the proceedings of the Convention, and do therefore repent having any agency in the business."

Write a paragraph to explain why he might be feeling discouraged.

2 - In arguing for the equal representation of the states in the national legislature, Gunning Bedford of Delaware said: "The small states will find some foreign ally who will do them justice."

Write a paragraph that explains what threat was included in his statement.

TEACHING THE CONTENT - Instruction No. 3

THE IMPORTANCE OF GEORGE WASHINGTON PRESIDING AT THE CONVENTION:

George Washington seems to have been born to command and to preside. His shyness in public gatherings was covered so well by seeming self-assurance and self-control that he impressed all observers. There was such confidence in his leadership and rectitude that even if he said nothing substantive in the Federal Convention--and he said little more than that--he would still have been the most important delegate there.

Washington had every personal reason not to attend the Convention. He had made numerous commitments never to return to public life when he retired his military command in 1783. Although he was only 51 in 1783, he already felt himself an old man who had earned a final retirement to Mt. Vernon. He was further embarrassed by the fact that he had cited declining health as a justification for his refusal to preside at the annual meeting of the Society of the Cincinnati at about the same time. This organization of Revolutionary War officers was coming to be feared as a budding hereditary aristocracy. Even though it was named for its commanding officer, since General Washington had won the name Cincinnatus in memory of the Roman general who laid down his arms and returned to his agrarian fields immediately after achieving military victory, the Cincinnati had become something of an embarrassment to Washington.

Governor Edmund Randolph and James Madison, who was Virginia's most vocal advocate of a stronger central government, had to convince Washington that his attendance at Philadelphia was so important to the nation that it must outweigh his objections to attending. At the Convention the only other conceivable presiding officer, Dr. Benjamin Franklin, had intended to nominate Washington, but was absent from the opening session because of illness. The mere fact that Washington was there, and known by many to be presiding, made the secret proceedings of the Convention less fearsome. Within the Convention, fears regarding the executive branch were lessened by the assumption, probably by every member other than Washington himself, that he would be prevailed upon to be the first President of the United States.

Later Washington would be pulled equally unwillingly into the U.S. presidency, elected unanimously by the electoral college both in 1788 and 1792. The opposition party formed in Washington's first term was aimed at Alexander Hamilton's policies rather than at Washington's presidency, so if he had been willing to be a candidate in 1796 he would have been elected overwhelmingly, though probably not unanimously. As President he exercised great care in the establishment of precedents which still influence our government today.

THE DECISION TO ABANDON THE ARTICLES OF CONFEDERATION

The decision of the Federal Convention to propose a new Constitution rather than attempt to amend the Articles of Confederation was one of the great turning points in American history. The Annapolis Convention of 1786 had requested a follow-up convention to revise the Articles. The Continental Congress cautiously approved a convention limited to "the sole purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union." The Delaware delegates were directed to reject any change in state representation in Congress.

The delegates simply moved ahead without ever taking a vote on whether to ignore the limitations put on them by Congress; such a vote would have become politically embarrassing to many of them. The Convention leaders had already seen too many aborted efforts to amend the Articles. Various attempts to provide a taxing power had always fallen at least one state short of the required unanimous ratification. More often than not that one state was Rhode Island--which was so disinterested in change that it refused to send a delegate to the Convention, and then refused to join the United States until May 29, 1790, nearly fifteen months after the First Congress under the Constitution convened. Even then it ratified grudgingly by 34-32, only after the U.S. Senate had passed a bill ending commercial relations with Rhode Island and after the city of Providence had threatened to secede from the state. Among the many daring ventures by the Convention was the change from unanimous ratification for amendments to the Articles, to a nine-state ratification of a new Constitution.

THE DECISION TO HOLD THE MEETINGS IN SECRET

Because the delegates were violating the instructions and wishes of the Congress and several of the state legislatures that had sent them to Philadelphia, they wisely adopted a policy of secrecy regarding their deliberations. There was to be no discussion of Convention activities outside the meeting room, nor were individual delegates' votes to be recorded even on the official journal. The Founding Fathers remained amazingly close-mouthed. From France, Thomas Jefferson decried the abominable precedent of "tying up the tongues of their members. Nothing can justify this example but the innocence of their intentions, and ignorance of the value of public discussion." Jefferson's closest friend, James Madison, was still convinced 43 years later that the rule of secrecy was wise. He said in 1830 that "opinions were so various and at first so crude that it was necessary they should be long debated before any uniform system of opinion could be formed. Meantime the minds of the members were changing, and much was to be gained by a yielding and accommodating spirit. Had the members committed themselves publicly at first, they would have afterwards supposed consistency requires them to maintain their ground, whereas by secret discussion no man felt himself obliged to retain his opinions any longer than he was satisfied of their propriety and truth, and was open to the force of argument." Thus secrecy made compromise possible. No member of the Convention is known to have objected to secrecy.

This decision made Madison's unofficial notes of the Convention vitally important. The journal kept by the official secretary, Major William Jackson, is no more informative than the skimpy memoranda preserved by eight of the delegates. Madison kept continuous notes throughout the Convention, rarely missing more than a few minutes of debate. Several delegates recognized the importance of his mission and gave him copies of their speeches. Madison pledged not to release these notes until all members of the Convention were dead, then he lived on until 1836, seven years after the next-to-last delegate had died. As a result, little was known about the writing of the Constitution until 1840, when the Madison notes were finally published.

TEACHING THE CONTENT - Instruction No. 5

THE PROBLEM OF REPRESENTATION

The most persistent advocates of proportional representation in the proposed new Congress were the three "giants"--Virginia, Pennsylvania and Massachusetts. Although knowledge of the U.S. population was skimpy, there was no question what states would benefit from a change from equal state representation to proportional representation. In the first House of Representatives, 40 percent of the membership was from these three states (Virginia 10, Pennsylvania and Massachusetts 8 each). By contrast, the four persistent advocates of continuing equal representation of the states had 16 votes (New Jersey 4, Delaware 1, Connecticut 5, New York 6). Thus if there was an issue (and there usually was not) on which the big states were united, the three largest states could outvote the four supporters of the New Jersey Plan plus New Hampshire (3), Georgia (3), and Rhode Island (1) and still have votes to spare.

A sufficient number of smaller states voted for a stronger national government so that the large states could be assured of a majority vote on every issue. A symbolic turning point came July 2 when, through an unusual set of circumstances, the small states temporarily achieved a 5-5 vote on representation in the Senate. This could easily be overturned later, but it highlighted the hard-core opposition. After this vote the nationalists recognized that a Constitution won by six to four, or even seven to four, had little chance of ratification. Finally, they consented to compromise on representation.

Traditional American bicameralism provided a convenient basis for the Federal Compromise; one house could be based on population and the other on equal vote among the states. To avoid any cry of "no taxation without representation," tax bills were to originate in the House. Although large state/small state conflicts have seldom occurred in our history, the rights of the smaller states were felt to be crucial in 1787. The failure to compromise on this issue would likely have torn the Convention apart. Once this issue was resolved, several of the leaders of the New Jersey Plan placed themselves in the forefront of the national movement.

COUNTING THE SLAVES

The delegates had scanty population information on which to base their decisions regarding representation, but one thing was certain: the slave population of some 700,000, almost all of it south of Pennsylvania, could have major impact. Although a number of Southerners, including even some slave-holders, were embarrassed by their "peculiar institution," the extreme Southern position was that slaves should not be taxed but instead should be fully represented in Congress. The extreme Northern position was that slave population should not be represented but that property in slaves should be taxed. As with so many other conflicts, a middle position was found. Three-fifths of slaves were counted both for representation and for taxation. A tax on slaves, however, was never adopted by Congress. The three-fifths solution was not unique to the Constitution. Since 1783 the Continental Congress had based requisitions on the states on three-fifths of the slave population.

The three-fifths clause gained new significance at the end of the Civil War. It was superseded by the Thirteenth Amendment, which created the awkward prospect that states that had tried and failed to break away from the United States would be "rewarded" by a substantial increase in representation in the House of Representatives and, therefore, in presidential votes. The black population of the South would now be counted as five-fifths rather than three-fifths. Section Two of the Fourteenth Amendment would have prevented this windfall if it had ever been enforced. It allowed a state's number of representatives in Congress to be reduced in proportion to the number of males over 21 years old who were denied the right to vote.

The Thirteenth Amendment finally introduced the word "slavery" to the Constitution. In 1787 slaves were "other persons" and "such persons."

TEACHING THE CONTENT - Instruction No. 9

SLAVERY AND COMMERCE

The most heated debates of the Convention occurred in the last half of August over slavery and commerce. The South opposed taxes on their exports and navigation laws which would force their agricultural goods into American vessels. Naturally the commercial men of New England yearned for navigation acts and advocated export taxes on agricultural goods and import taxes on slaves, if they were to be imported at all. Strangely it was slavery that drew these disparate regions together. The North was opposed to slavery and even Virginia, Maryland, North Carolina and Delaware favored an end to the importation of more slaves. These states had more slaves than their economy could justify and were happy to sell them to Georgia and South Carolina rather than have them imported from Africa. The rice and indigo production of the Deep South was so destructive of the slave population that there was a need for constant additions, because of the short and ugly lives imposed on the slaves. Therefore Georgia and South Carolina were ready to deal with the commercial men of the North.

For the sake of trade the abolitionist New Englanders set aside their revulsion against slavery. In exchange for Congressional control of commerce, Northerners conceded an extension of the slave trade until 1808, a prohibition against taxes on exported goods, and assurance that property in slaves could be taxed only if the tax was based on the national population rather than the slave population.

III-C. BIOGRAPHIES OF THE FRAMERS

OBJECTIVE: In this lesson students will:

1 - learn some background characteristics about several of the major figures who participated in the Constitutional Convention,

2 - recognize which men supported the Constitution that was written in 1787, and

3 - become familiar with the contributions made by the delegates following the Convention.

PURPOSE: Students will understand that the delegates to the Constitutional Convention represented a wide variety of ages, occupations, and experience in the public service. They will also learn why some delegates were not willing to sign the Constitution.

INSTRUCTION

INTRODUCTION

1 - Ask students to write down the name of one member of the Constitutional Convention; have them also write down what they know about that member. Ask students what they think should be a qualification for being a delegate to the Constitutional Convention. (Merely ask for ideas, do not provide an answer.)

2 - Ask students to tell you the name they have written; list these names on the board. Determine whether they were correct in assuming that the person was a member of the Convention. (See **TEACHER RESOURCES** for a list of members of the Convention.) Erase the names of persons who were not at the Convention.

3 - Next, ask the students if they know how old the delegate was in 1787, what occupation the person worked at, what state he represented, what previous governmental experience the delegate had, and whether he signed the Constitution.

4 - Inform the students that during today's lesson they will learn about the similarities and the differences among the delegates concerning the information mentioned above.

TEACHING THE CONTENT

1 - Hand out the **DELEGATE PROFILES** sheet that lists information about several of the delegates to the Constitutional Convention.

2 - Have students note that information concerning several of the delegates is missing. Tell them that they will provide the missing information.

3 - Hand out **BIOGRAPHIES** sheets that provide information about the delegates for whom information is missing.

4 - Students will work in pairs. Each student will be assigned a biography to read from the **BIOGRAPHIES** handout.

5 - Hand out the **INTERVIEW FORM** to each student.

6 - After students have studied their assigned biography, they will interview their partner while the partner role-plays the man in this biography. The interviewer will record the information on the **INTERVIEW FORM** provided.

7 - The teacher will ask those students who interviewed each delegate to provide the information needed to fill in the blanks on the **DELEGATE PROFILES** sheet. (See **TEACHER RESOURCES** for the information needed to complete the profile.) Other students will fill in their **PROFILES** sheet as the information is provided.

8 - Ask students to characterize the delegates regarding their occupation, age, education, prior public service, and attitude about the Constitution. (See **TEACHER RESOURCES** for a composite description of the delegates.

CLOSING THE LESSON

1 - Have students hand in their completed **INTERVIEW FORM.**

2 - Have students complete the **LESSON EVALUATION** form.

JOHN DICKINSON

The Constitutional Convention was one of the few governmental bodies over which John Dickinson did not preside. A lawyer trained at the Inns of Court in London, Dickinson was President of both Delaware and Pennsylvania as well as a member of both assemblies. He was President of the Stamp Act Congress and chairperson of the Annapolis Convention which called for the Constitutional Convention. He wrote the Letters from a Farmer in Pennsylvania (1767-68) which attacked the Townshend taxes, and he wrote the first draft of the Articles of Confederation.

Dickinson was 54 when he led the defenders of the rights of small states at the Convention. He was not able to sign the Constitution because of illness, so he asked George Read to sign for him. Ironically, Dickinson also failed to sign the Declaration of Independence because he thought the Americans should delay their break with England. His opposition to independence caused many in Pennsylvania to turn against him.

BENJAMIN FRANKLIN

Benjamin Franklin, age 81, was the one internationally famous American prior to Washington's celebrity. He was a philosopher, scientist, inventor, diplomat, publisher, author, postmaster and statesman, but if he were asked to name his profession he would say printer. He was self-taught in these fields, among others. He spent nearly fifteen years in England, representing American colonies. He returned home briefly to serve as President of Pennsylvania and as a Continental Congressman to help write the Declaration of Independence. He then returned to France where his skilled diplomacy helped greatly to win the war and the peace.

Representing Pennsylvania at the Albany Congress in 1754, Franklin proposed a plan for a union of American colonies within the British Empire. If it had been accepted by England it might have changed world history. He was the master compromiser at the Constitutional Convention. He could also be counted on for a witty story or a healing proposal in times of great stress. As he and others were signing the Constitution, he remarked that "at length I have the happiness to know that it is a rising and not a setting Sun" painted on the back of President Washington's chair.

ELBRIDGE GERRY

Elbridge Gerry signed the Declaration of Independence and the Articles of Confederation, but he refused to sign the Constitution because he thought the new government would have too much authority. He was 43 years old and a wealthy merchant at the time of the Convention. He had graduated from Harvard.

Gerry had previously served in the Massachusetts provincial congress and the Continental Congress. Later he would be Vice President under James Madison, member of the U.S. House of Representatives, a diplomat in France, and twice governor of Massachusetts. As governor his redistricting of the state to assure victory of the Jeffersonian Republicans introduced the term "gerrymander."

ALEXANDER HAMILTON

Despite his great importance in constitutional history, the 30-year-old Alexander Hamilton's role in the Constitutional Convention was limited. He represented New York as a "token nationalist." Governor George Clinton sent Hamilton with two state's rights delegates and with strict instructions that no action could occur without at least two votes. Hamilton's frustration may have affected his one memorable speech in which he praised the English House of Lords and monarchy while arguing for a lifetime executive and Senate. He would give the Senate power over the lower House and he would limit the states so drastically that their governors would even be appointed by the central government. Hamilton ignored his Governor's instructions by signing the Constitution, which gave the impression that all twelve states in the Convention approved it. He declared that "no man's ideas were more remote from the plan than his own were known to be," but he would sign because he knew that it was stronger than any constitution likely to come from a later convention.

Hamilton came from the West Indies to study at King's College (now Columbia) and became one of the nation's leading lawyers. After a frustrating military career, he worked in the Continental Congress to strengthen the Articles of Confederation through amendments. He led the pro-Constitution forces in New York, winning by three votes in a state convention that was at first two-thirds opposed to ratification. His Federalist essays had influence beyond his state and far beyond his own time. As Secretary of Treasury in the Washington administration, Hamilton played a major role in expanding the powers of the U.S. government through constitutional interpretation.

JAMES MADISON

James Madison is called the "Father of the Constitution" even though he was only 36 in 1787. He called for the Annapolis Convention and later persuaded the Virginia House of Delegates to carry out the Annapolis recommendation for a 1787 convention to revise the Articles of Confederation. Then he studied governments for months and arrived in Philadelphia "the best informed Man of any point in debate." He wrote the Virginia Plan of Union, on which the final document was based. He spoke on 71 of the 80 days of the Convention. He was there continuously, taking the unofficial notes which provide most of our information on the constitutional debates. He was the leader of the Virginia convention who won ratification by a narrow margin. He was a major author of The Federalist, the best philosophical argument for the Constitution. Finally he wrote and guided the Bill of Rights through Congress.

Madison studied law at the College of New Jersey (Princeton) but never practiced it. Instead he was a part-time planter and virtually full-time statesman. He held an important governmental position almost continuously from 1776, when he helped to write the Virginia constitution, to 1817, when he left the U.S. presidency. Major positions included leadership of the House of Representatives, Secretary of State and President. He even participated in writing Virginia's new constitution in 1829, 53 years after his first Virginia Constitutional Convention.

GEORGE MASON

George Mason, a 62-year-old Virginia planter, refused to sign the Constitution and opposed it bitterly in the Virginia ratification convention. He was upset by the lack of a Bill of Rights and deeply offended by the slave trade compromise; he feared the government would become either a monarchy or an aristocracy. Mason was the "father" of the Bill of Rights. He wrote most of the Virginia Declaration of Rights and much of the 1776 Virginia Constitution to which it was attached. This Declaration became the pattern for similar documents in many of the other Revolutionary states, for parts of the Declaration of Independence, and for most of the amendments which became the U.S. Bill of Rights.

Mason hated working with committees and legislatures, yet he was frequently called to serve in the Virginia House of Burgesses. His written attacks on the Stamp taxes were adopted by Congress and by the other colonies. Mason studied law in his uncle's library and was constantly consulted on legal matters, even though he was never licensed to practice law. He was elected to the first U.S. Senate by still angry opponents of the Constitution, but he refused to serve.

GOUVERNEUR MORRIS

Gouverneur Morris was an able orator from Pennsylvania. He wrote the Preamble to the Constitution and was most involved in writing the final draft of the Constitution. His speaking ability helped to convince delegates to sign the document.

His sympathies were with the wealthy people. He believed that the Senate should represent the rich property owners to balance the democratic character of the House of Representatives. He had graduated from King's College and was a 35-year-old lawyer when he attended the Convention. He supported the American Revolution and served in the New York provincial congress and in the Continental Congress. Later he was a U.S. diplomat and senator.

WILLIAM PATERSON

William Paterson studied law at the College of New Jersey (now Princeton) and had for a long time been Attorney General of New Jersey when he came to the Constitutional Convention at the age of 41. His family had moved from Ireland when he was a child. He refused election to the Continental Congress in order to serve his state and his private law practice. He introduced the New Jersey Plan of Union in opposition to the Virginia Plan which would have based representation on population. Paterson's small state (sometimes described as a keg tapped at both ends, with its wealth flowing out through Philadelphia and New York City) would have suffered by this change. The New Jersey Plan never received a majority of votes in the Convention, but eventually the large states compromised and agreed to a Congress where the House of Representatives would be based on population and the Senate on an equal vote among states.

Paterson served briefly in the U.S. Senate, where he wrote part of the law which established the American judicial system. After a term as Governor of New Jersey, he was appointed to the U.S. Supreme Court.

EDMUND RANDOLPH

Governor Edmund Randolph of Virginia was one of the prominent members who refused to sign the Constitution. Later he supported its ratification in Virginia because of the promise that a Bill of Rights would be added.

Before serving in the Convention at the age of 33, he studied law at the College of William and Mary. A descendant of one of the most prominent Virginia families, he devoted his life to public service. The son, grandson, and great grandson of the King's Attorney for Virginia, Randolph was the first Attorney General of Virginia and later of the United States. He was also a member of the Continental Congress, Mayor of Williamsburg, and U.S. Secretary of State. He attended the Annapolis Convention which called for the Constitutional Convention of 1787.

JOHN RUTLEDGE

After studying law in England, John Rutledge returned to lead the independence movement in South Carolina. He was a 48-year-old lawyer during the Convention. He was both President and Governor of his state and served in the Continental Congress.

Rutledge was chairman of the Committee of Detail which converted the various resolutions into a constitution. He strongly opposed limits on the slave trade because of the economic needs of South Carolina. The compromise on this issue made it possible for him to sign the Constitution and work for its ratification in the state convention. He was appointed to the first U.S. Supreme Court and served in 1795 as Chief Justice until the Senate rejected his appointment by President Washington because of his opposition to the Jay Treaty. Another member of the Supreme Court and of the Consitutional Convention, Oliver Ellsworth, then became Chief Justice.

GEORGE WASHINGTON

Although he said less than any other member who remained throughout the Convention, George Washington, who was unanimously elected President of the Convention, was the one person whose attendance was crucial. Americans' trust for General Washington was so great that his being there added confidence in the Convention and the Constitution. Everyone but Washington himself assumed he would be the first President and he was soon the only President ever elected unanimously.

The 55-year-old Washington was a wealthy Virginia planter and speculator in Western lands. His interest in the West fitted well with his other major professions--as a surveyor of Western lands and military officer. He never attended college, although he received an honorary degree from Harvard in 1776. He served for years in the Virginia House of Burgesses (legislature) as well as the Continental Congress. At the end of the Revolutionary War he sent a circular letter to all governors, calling for a stronger Congress. In 1785 he hosted the Mt. Vernon Conference, which was an important step toward the Constitutional Convention of 1787.

DELEGATE PROFILES

NAME	AGE	OCCUPATION	STATE	SIGNED	PUBLIC SERVICE	COLLEGE EDUCATION
John Blair	55	Lawyer	VA	Yes	Yes	Yes
Benjamin Franklin	___	___________	___	___	___	___
John Dickinson	___	___________	___	___	___	___
Elbridge Gerry	___	___________	___	___	___	___
Alexander Hamilton	___	___________	___	___	___	___
John Langdon	46	Merchant	NH	Yes	Yes	Yes
James Madison	___	___________	___	___	___	___
George Mason	___	___________	___	___	___	___
Gouverneur Morris	___	___________	___	___	___	___
William Paterson	___	___________	___	___	___	___
Edmund Randolph	___	___________	___	___	___	___
John Rutledge	___	___________	___	___	___	___
Roger Sherman	66	Cobbler	CT	Yes	Yes	Yes
George Washington	___	___________	___	___	___	___
James Wilson	45	Lawyer	PA	Yes	Yes	Yes

INTERVIEW FORM

NAME OF INTERVIEWER (Your name) ______________________________

NAME OF CONVENTION DELEGATE ______________________________

1 - What state did you represent at the Convention?

2 - How old were you at the time of the Convention?

3 - What is your educational background?

4 - What is your occupation?

5 - What experience have you had in politics or public service?

6 - Did you sign the Constitution? If not, why not?

7 - What were your feelings about the Constitution? What contributions did you make to the writing of the Constitution?

8 - What did you do following the Convention?

LESSON EVALUATION

1 - What was the most common occupation of the men who attended the Constitutional Convention?

2 - What can you say about the age of the men who attended the Convention?

3 - Place an "X" in front of the name of each of the following who was a delegate to the Constitutional Convention:

___ Benjamin Franklin
___ George Washington
___ Alexander Hamilton
___ Thomas Jefferson
___ James Madison
___ Patrick Henry

4 - Place an "X" in front of the name of each of the following delegates to the Convention who refused to sign the Constitution:

___ George Mason
___ Gouverneur Morris
___ Roger Sherman
___ Elbridge Gerry
___ Edmund Randolph
___ Benjamin Franklin

5 - Explain why those delegates whom you selected in number 4 above refused to sign the Constitution.

6 - Name one Convention delegate and explain what contribution he made to the writing of the Constitution.

7 - Solve this anagram:

Constitution. Some the Convention the sign
Constitutional to of did delegates not the

TEACHER RESOURCES

Anagram solution:

> Some of the delegates to the Constitutional Convention did not sign the Constitution.

TEACHING THE CONTENT - Step No. 2

THE 55 DELEGATES:

Abraham Baldwin - Richard Bassett - Gunning Bedford, Jr. - John Blair - William Blount - David Brearley - Jacob Broom - Pierce Butler - Daniel Carroll - George Clymer - William Davie-Jonathan Dayton - John Dickinson - Oliver Ellsworth - William Few - Thomas Fitzsimons - Benjamin Franklin - Elbridge Gerry-Nicholas Gilman - Nathaniel Gorham - Alexander Hamilton - William C. Houston - William Houstoun - Jared Ingersoll - Daniel of St. Thomas Jenifer - William Johnson - Rufus King - John Langdon-John Lansing - William Livingston - James McClurg - James McHenry - James Madison - Alexander Martin - Luther Martin-George Mason - John Mercer - Thomas Mifflin - Gouverneur Morris-Robert Morris - William Paterson - William Pierce - Charles Pinckney - Charles C. Pinckney - Edmund Randolph - George Read-John Rutledge - Roger Sherman - Richard Spaight - Caleb Strong-George Washington - Hugh Williamson - James Wilson - George Wythe - Robert Yates

TEACHING THE CONTENT - Step No. 8

BIOGRAPHICAL SKETCHES OF THE CONVENTION DELEGATES:

The 55 delegates are listed according to the state they represented, their age at the beginning of the Convention, their education, their occupation, their principal public service, and their views on the Constitution.

New Hampshire

NICHOLAS GILMAN: 31; common schools; merchant; Congress; very limited role in Convention but signed Constitution.

JOHN LANGDON: 45; grammar school; merchant; military career, President of New Hampshire, Governor, Congress; limited role in Convention but signed Constitution and supported it in New Hampshire ratifying convention.

Massachusetts

ELBRIDGE GERRY: 42; B.A. Harvard; merchant; Vice President of U.S., Congress, Governor; refused to sign Constitution and led opposition in Massachusetts.

NATHANIEL GORHAM: 48; common schools; merchant, speculator; Speaker of Massachusetts House, President of Continental Congress; chaired Committee of the Whole, member of Committee of Detail, signed Constitution.

RUFUS KING: 32; B.A. Harvard; lawyer, businessman; Congress, Federalist candidate for President and Vice President, U.S. minister to Great Britain; spoke frequently and served on many committees, signed Constitution and supported it in Massachusetts ratifying convention.

CALEB STRONG: 42; B.A. Harvard; lawyer; Governor, Congress, Massachusetts constitutional convention of 1779; limited role in Convention but supported Constitution in Massachusetts ratifying convention.

Connecticut

OLIVER ELLSWORTH: 42; B.A. Princeton; judge, farmer; Chief Justice of U.S. Supreme Court, Congress (co-author of Judiciary Act of 1789), State's attorney; Committee of Detail in Convention, signed Constitution.

WILLIAM SAMUEL JOHNSON: 59; B.A. Yale; lawyer; Congress, President of Columbia University; chaired Committee of Style, signed Constitution.

ROGER SHERMAN: 66; common schools; cobbler, politician; Congress, many state and local positions; proposed Connecticut compromise and signed Constitution.

New York

ALEXANDER HAMILTON: 32 (or 30); B.A. Columbia; lawyer; U.S. Secretary of Treasury, Continental Congress, Lieutenant Colonel; extreme nationalist, served on Committees on Rules and on Style, signed Constitution, principal author of The Federalist, largely responsible for winning ratification by New York.

JOHN LANSING: 33; studied law privately; lawyer; Congress, Speaker of New York Assembly, Mayor of Albany, Chief Justice of New York Supreme Court, Chancellor of New York. Opposed Constitution in Convention and in New York ratifying convention.

ROBERT YATES: 49; studied law privately; judge; Chief Justice New York Supreme Court; opposed Constitution in Convention and in New York ratifying convention.

New Jersey

DAVID BREARLEY: 41; attended Princeton; judge; Chief Justice of New Jersey Supreme Court, U.S. District Judge; supported New Jersey plan, signed Constitution and supported it in New Jersey ratifying convention.

JONATHAN DAYTON: 26; B.A. Princeton; lawyer; Speaker of U.S. House of Representatives and of New Jersey House; signed Constitution.

WILLIAM CHURCHILL HOUSTON: 41; B.A. and M.A. Princeton; Professor, Congress; seldom attended Convention because he was dying of tuberculosis, but he supported Constitution.

WILLIAM LIVINGSTON: 63; B.A. Yale; lawyer, author; Governor, Congress; chair of committee that developed slave compromise; signed Constitution.

WILLIAM PATERSON: 41; B.A. and M.A. Princeton; lawyer; U.S. Supreme Court, Congress, co-author of Judiciary Act of 1789, Attorney General of New Jersey; introduced New Jersey Plan, signed Constitution.

Pennsylvania

GEORGE CLYMER: 48; informal education; merchant; Congress, Continental Treasurer, founded Bank of North America; limited role at Convention, signed Constitution.

THOMAS FITZSIMONS: 46; whatever education he had was in Ireland; merchant; Congress, director of Bank of North America; minor role at Convention although he signed and supported the Constitution.

BENJAMIN FRANKLIN: 81; Boston Latin School; publisher, printer; President of Pennsylvania and of many societies, Congress, Minister to France, Postmaster General; great compromiser and pacificator at Convention, signed Constitution.

JARED INGERSOLL: 37; B.A. Yale, Inns of Court at London; lawyer; Congress, Attorney General of Pennsylvania, Federalist candidate for Vice President; minor role in Convention, signed Constitution.

THOMAS MIFFLIN: 43; B.A. Pennsylvania; merchant, farmer; President of Continental Congress, Quarter Master General, President and Governor of Pennsylvania; minor role in Convention but signed Constitution.

GOUVERNEUR MORRIS: 35; B.A. Columbia; lawyer; Congress, New York constitutional convention 1776-77, Minister to France; most frequent speaker in Convention, "penman" of Constitution on Committee on Style, signed Constitution.

ROBERT MORRIS: 53; brief schooling in England and Philadelphia; merchant, speculator; U.S. Superintendent of Finance, Congress; minor role in Convention, signed Constitution.

JAMES WILSON: 45; Universities of St. Andrews, Glasgow and Edinburgh; lawyer; Congress, U.S. Supreme Court; one of the most persuasive advocates of nationalism and of direct popular election, signed Constitution, led Philadelphia ratifying Convention.

Delaware

RICHARD BASSETT: 42; studied law privately; lawyer; Governor of Delaware, Congress, Delaware constitutional conventions of 1776 and 1792; very limited role at Convention but signed Constitution.

GUNNING BEDFORD, JR.: 40; B.A. Princeton; lawyer; Attorney General of Delaware, Congress, U.S. District Judge; staunch defender of small states, signed Constitution and was in Delaware ratifying convention.

JACOB BROOM: 35; local schools; businessman; Delaware legislature; spoke frequently but otherwise a minor role in Convention, signed Constitution.

JOHN DICKINSON: 54; Inns of Court, London; lawyer; Congress, author of major documents of American Revolution, President of Delaware and of Pennsylvania; major advocate of divided power, because of illness he had George Read sign the Constitution for him, wrote letters supporting ratification.

GEORGE READ: 53; local schools; lawyer; Chief Justice of Delaware Supreme Court, Congress, Speaker of Delaware Legislative Council, Delaware constitutional convention of 1776; strong advocate of equal votes for states, probably selected Delaware delegation, signed Constitution.

Maryland

DANIEL CARROLL: 56; College of St. Omer (Flanders); planter; State Senate President, Congress; favored nationalism in Convention, signed Constitution, urged ratification by Maryland.

DANIEL OF ST. THOMAS JENIFER: 64; education unknown; planter; President of State Senate, Congress, State Treasurer; seldom spoke but supported nationalists in Convention, signed Constitution.

LUTHER MARTIN: 39 (or 43); B.A. Princeton; lawyer; Attorney General of Maryland; defended state rights, advocated Supremacy Clause, left Convention early to lead Maryland opposition to the Constitution.

JOHN FRANCIS MERCER: 28; B.A. William and Mary; planter; Governor of Maryland, Congress; served less than two weeks in Convention, opposed Constitution in Maryland ratifying convention.

JAMES McHENRY: 33; well-educated in Ireland; briefly practiced medicine but primarily politician; U.S. Secretary of War, Congress; signed Constitution and supported it in Maryland ratifying convention.

Virginia

JOHN BLAIR: 55; B.A. William and Mary; judge; Chief Judge Virginia General Court, U.S. Supreme Court; Virginia constitutional convention of 1776; quiet supporter of Madison's proposed changes to Constitution, signed Constitution and supported it in Virginia ratifying convention.

JAMES MADISON, JR.: 36; B.A. Princeton; planter who devoted his life to politics; President of U.S., Secretary of State, leader of first U.S. Congress, Continental Congress, Virginia constitutional conventions of 1776 and 1829; author of Virginia Plan, kept crucially important notes of Convention, leading spokesman of nationalism, signed Constitution and won ratification in Virginia convention, "father" of Bill of Rights as well as Constitution.

GEORGE MASON: 62; private tutors; planter; wrote Virginia Declaration of Rights which is basis of most U.S. bills of rights, Virginia House of Delegates; strongest opponent to slavery in Convention, refused to sign because he thought the government would become "a monarchy, or a corrupt, tyrannical aristocracy," because there was no bill of rights, because slavery would continue, and because the South was not sufficiently protected from Northern commerce; led the opposition in the Virginia ratifying convention.

JAMES McCLURG: about 41; B.A. William and Mary, M.D. Edinburgh; physician; Professor, Mayor of Richmond; left Convention early without playing significant role.

EDMUND RANDOLPH: 33; attended William and Mary; lawyer; politician; Governor of Virginia, U.S. Attorney General and Secretary of State, Attorney General of Virginia, Congress, introduced Virginia Plan at Convention, opposed Connecticut Compromise, refused to sign Constitution because he wanted to be free to work for an improved Constitution, changed his mind in Virginia ratifying convention and supported Constitution causing Mason to call him "young Arnold."

GEORGE WASHINGTON: 55; private tutors; planter, speculator; President, Commander of Revolutionary War armies, Congress, Virginia House of Burgesses; president of Convention, made few substantive comments but his presence assured the American people, his signing of and support for the Constitution was important in the Virginia ratifying convention although he was not a member.

GEORGE WYTHE: 61; studied law at home; professor, lawyer; first Professor of law in U.S. where he taught Thomas Jefferson, John Marshall, Edmund Randolph and Henry Clay, judge of Virginia Court of Chancery, mayor of Williamsburg; chaired committee on rules before leaving Convention June 4 to care for his dying wife, supported Constitution in Virginia ratifying convention.

North Carolina

WILLIAM BLOUNT: 38; tutored at home; planter, land speculator; first member to be expelled by U.S. Senate, speaker of Tennessee state senate, Governor of Southwest Territory, Speaker of North Carolina Assembly, Continental Congress; played limited role in Convention and signed grudgingly, but supported Constitution in North Carolina's second ratifying convention.

WILLIAM R. DAVIE: 30; B.A. Princeton; lawyer, planter; Governor, U.S. commissioner to France, Commissary General of Greene's Army in Revolution; left Convention early in August without having had impact there, but supported Constitution in both North Carolina ratifying conventions.

ALEXANDER MARTIN: 47; B.A. Princeton; lawyer, planter; Governor of North Carolina, Speaker of State Senate, Congress; minor role in Convention until he left early in August.

RICHARD DOBBS SPAIGHT: 29; A.B. Glasgow; planter; Governor, Congress, Speaker of North Carolina Commons; spoke seldom but signed Constitution and supported it in the first North Carolina ratifying convention.

HUGH WILLIAMSON: 51; B.A. Pennsylvania, M.A. and M.D. Utrecht, honorary L.L.D. Leyden; physician, merchant; professor, Congress, Surgeon General of North Carolina; spoke frequently in Convention for a strong central government, signed Constitution, supported it in second North Carolina ratifying convention.

South Carolina

PIERCE BUTLER: 42; education unknown; planter; younger son of baronet and member of Parliament, Butler was a major in the British Army who later served in the Revolutionary Army, Congress; introduced fugitive slave clause, moved to keep Convention secret, favored representation based on both wealth and population.

CHARLES PINCKNEY: 29; private school; planter, lawyer; Governor, Congress, Minister to Spain, South Carolina constitutional convention of 1790; introduced nationalistic plan for Constitution and later argued that he was much more influential than historians have thought him to be, strong defender of slavery, signed Constitution and supported it in South Carolina ratifying convention.

CHARLES COTESWORTH PINCKNEY: 41; B.A. Oxford, Inns of Court at London, also postgraduate study in France; lawyer, planter; Federalist Presidential and Vice Presidential nominee, Minister to France, Brigadier General of South Carolina line, Major General of U.S. Army, South Carolina constitutional convention of 1790; defended slavery in Convention, helped resolve representation struggle, signed Constitution, supported it in South Carolina ratifying convention. The two Pinckneys were second cousins.

JOHN RUTLEDGE: 48; Inns of Court, London; planter, judge; U.S. Supreme Court, nominated as Chief Justice but not confirmed, Chief Justice of South Carolina Supreme Court, President and Governor of state, Congress; chaired Committee of Detail in Convention, supported strong central government if slave trade was assured, signed Constitution.

Georgia

ABRAHAM BALDWIN: 32; B.A. Yale; lawyer; Congress, helped to found University of Georgia; served on four major Convention committees including that on the Connecticut Compromise, signed Constitution.

WILLIAM FEW: 38; self-educated; lawyer; Congress, Georgia and New York legislatures; limited role in Convention, attended sporadically but was there to sign Constitution.

WILLIAM HOUSTOUN: 30; Inns of Court, London; lawyer; Congress, Georgia legislature; minor role other than signing Constitution.

WILLIAM PIERCE: about 47; probably attended William and Mary; merchant; briefly in Georgia legislature and Congress; attended Convention only briefly but wrote valued character sketches of the other delegates, he gave speeches in Georgia supporting the Constitution.

III-D. **WRITING THE CONSTITUTION: A REENACTMENT**

OBJECTIVES: Students will:

1 - identify the contributions made in the Constitutional Convention by James Madison, George Washington, Edmund Randolph, Benjamin Franklin, James Wilson and Gouverneur Morris,

2 - identify and compare the personal qualities of these delegates, and

3 - learn that, although people may have different qualities, they can still work together toward a common goal.

PURPOSE: Students will learn the major decisions made at the Constitutional Convention and the role that some of the major members of the Convention played in influencing these decisions. The role playing demonstrates the importance of the individual as a factor in determining history.

INSTRUCTION

INTRODUCTION

1 - Discuss the major issues that faced the Convention delegates. Hand out a copy of **PLANS OF GOVERNMENT** that summarizes the Virginia Plan and the New Jersey Plan. Ask students to recall how these issues were resolved by the Convention and have them record their answers under the column labeled "Constitution of 1787."

2 - Inform the students that they are about to witness a role playing simulation of the Convention in which the roles of six delegates will be demonstrated. (See **TEACHER RESOURCES** for an explanation of how the students who play these roles should prepare for the performance.)

3 - Hand out the CONVENTION DELEGATE **OBSERVATION SHEETS** and inform the students that during the performance they are to identify the personal qualities of the six delegates and the contributions that each made to the Convention.

TEACHING THE CONTENT

1 - Inform the class that a narrator will introduce a reenactment of the Constitutional Convention.

2 - Have the assigned students perform the role of their characters, following the prepared script. (You may wish to repeat the play, if the class has not studied the Constitution proceedings in advance.)

3 - Following the performance, have the class review the play by discussing the role of each of the six characters.

4 - Ask students to discuss the impact of the writing of the Constitution upon their lives today.

CLOSING THE LESSON

1 - Ask students to complete the OBSERVATION SHEETS. This exercise will also be done by the students who played roles in the mock convention.

2 - Conduct a de-briefing discussion about the role play.

   A. Which man did you admire most? least?

   B. What were the personal characteristics that you liked or disliked about that person?

   C. Who do you feel did the most to help the Convention delegates reach their goal? Were there times when it did not seem possible to reach agreement on the Constitution? Have you had a similar experience with your friends or family, when it did not seem possible to reach a decision that everyone would approve, and then something happened to make that possible? What helped you to come to an agreement?

   D. What does this play tell you about people who may disagree, yet have a similar goal that they wish to accomplish?

   E. What person do you think influenced others? How was this influence used? Is it a good idea to try to influence others?

TEACHER RESOURCES

INTRODUCTION - Step 1

This lesson is designed for use as a culminating activity to the study of the writing of the Constitution. Therefore, students should be familiar with the major decisions made at the Convention so they will be able to complete the chart on the **PLANS OF GOVERNMENT** handout.

INTRODUCTION - Step 2

Seven students will need to prepare in advance for this enactment of the characterization of delegates' roles at the Constitutional Convention. One student will serve as the narrator and the others will assume the roles of George Washington, James Madison, Edmund Randolph, Benjamin Franklin, James Wilson and Gouverneur Morris. At a minimum, each should read the brief character sketch on the BACKGROUND READING page. They may wish to do library research about their character. You may also wish to provide the BACKGROUND READING material for all class members in advance of the reenactment.

PLANS OF GOVERNMENT

	VIRGINIA PLAN	NEW JERSEY PLAN	CONSTITUTION OF 1787
Plan for the National Legislature?	Two houses. Based on population. one vote per delegate.	One house Congress. One vote per state.	
Kind of Executive? How selected?	One person chosen by the legislature.	Convention to set number Elected by Congress.	
Federal courts and Judges?	Congress sets up supreme court(s) and minor courts.	Federal supreme court.	
Procedure for amending the plan of government	A way should be found that would not require the consent of Congress.	Not discussed.	

BACKGROUND READING

Several men played important roles as leaders of the Constitutional Convention. Among these leaders were George Washington, James Madison, Edmund Randolph, Benjamin Franklin, James Wilson, and Gouverneur Morris.

GEORGE WASHINGTON was unanimously selected to preside over the Convention. He had been extremely reluctant to attend and had accepted only when persuaded that his prestige was needed to assure the success of the Convention. Although he seldom spoke, his influence was vitally felt both in informal gatherings and in the Convention sessions. The universal assumption that he would become the first President under the new government inspired confidence in it.

JAMES MADISON, only thirty-six at the time, was one of the most learned and informed of the delegates. Foreseeing the future significance of the Convention, Madison always sat in the front of the room, where he could hear all that was said; he kept a detailed record of the proceedings. Even today, Madison's notes, although he edited them in the 1820's, almost 40 years after the event, remain our major source of information concerning the Convention.

EDMUND RANDOLPH, the governor of Virginia, introduced the Virginia Plan of Union. Although he declined to sign the Constitution, he later advocated its ratification and was the first attorney general under the new government.

BENAJMIN FRANKLIN, at eighty-one, was the Convention's oldest member. Second only to Washington in the esteem of his countrymen, Franklin had a firm faith in the people. Despite his great age, Franklin played a significant role. At critical moments, his sagacious and humourous remarks broke the tension, prevented bitterness, and encouraged compromise.

Most of Franklin's speeches were read to the Convention by his fellow delegate from Pennsylvania, JAMES WILSON. Wilson was a strong supporter of Madison; his work on the Convention's Committee on Detail was very important. He became a member of the first United States Supreme Court.

In sharp contrast to Franklin, another Pennsylvania delegate, GOUVERNEUR MORRIS, was strongly aristocratic in his sympathies. He was an eloquent and interesting speaker and addressed the Convention more often than any other member, and his facility with the pen is shown by the fact that he was chosen to write the final draft of the Constitution. Years later he began a letter, "The hand that writes this letter wrote the Constitution."

ROLE PLAY OF THE CONSTITUTIONAL CONVENTION

NARRATOR

The Convention Hall filled slowly. The delegates bore the mark of fatigue. They came. They sat, and within their state groups, they discussed.

An accommodating soul moved swiftly to the shuttered windows, and reaching his hand out into the hot September day, one-by-one he quietly closed each window, securely locked each hinge, shutting out the cobblestone street sounds of Philadelphians at work and play, and turning the ground floor of Independence Hall into a sweltering sanctuary of strictest secrecy.

Slightly raising their sweat-stained brows, several gentlemen silently questioned the reason for such extremes, but then soon settled themselves on their chairs and accepted the order of secrecy for their mission.

(As the scene opens we see the seated delegates are talking among themselves.)

MR. MORRIS

(From the crowd). . . Mr. President--Mr. President--Mr. Washington!!

MR. WASHINGTON

(Finally hearing, turns quickly) Yes, Sir, Mr. Morris.

MR. MORRIS

It occurs to me that time is wasting. Essentially the document has been written. (Under his breath) I've seen to that myself. With good use of our time, today may very well be our final day.

ALL DELEGATES

(In unison) Here - Here!!

MR. WASHINGTON

(Moving to the front of the room) Very well, Gentlemen. Very well. Shall we convene?

(James Madison leaves his seat near the rear and moves down front near George Washington. He takes out a pen and a large, folded sheet of paper and prepares to write.)

MR. RANDOLPH

(While watching Madison carefully, he speaks forcefully.) Excuse me, but, is this not to have been a meeting of agreed secrecy?

MR. MADISON

Indeed, Sir, it is. (Continues to write.)

MR. RANDOLPH

Why, then, Mr. Madison, if you will, have you for the past sixteen weeks sat here, pen in hand, committed to copious note-taking?

MR. MADISON

(Looks at Mr. Randolph but does not respond.)

MR. RANDOLPH

Well, Mr. Madison--tell us. What is your commitment?

MR. MADISON

(Deliberately) Mr. Randolph. (Looking around) Gentlemen, I am committed to this Convention. I am committed to secrecy. -- And, what of your own commitment, my dear sir?

THE OTHER DELEGATES

(Reflecting on the comments, murmur among themselves.)

MR. FRANKLIN

(Clearing his throat) "Don't throw stones at your neighbor if your own windows are glass," I always say.

THE OTHER DELEGATES

(Nod approval and chuckle.)

MR. WASHINGTON

Gentlemen, gentlemen. . . . Let the Convention come to order. Let us get down to the business of the day. (Order is restored.) In the course of our work here, much has been accomplished. We have had a fine delegation--distinguished gentlemen from all over the thirteen states. . . .

MR. MORRIS

(Interrupting). . . Uh. . . Except Rhode Island, Sir.

MR. WASHINGTON

(Recalling). . . Um. . . Yes, of course, except Rhode Island. . . (Continuing). . . But, distinguished, indeed! Despite the conspicuous, and regrettable, but necessary absence of John Adams and Thomas Jefferson who are at this time in Europe. Also not in our presence are Patrick Henry, Samuel Adams, John Hancock, and Tom Paine--Yet it is said that those assembled here are "the greatest, the best, and the most enlightened of our citizens."

ALL DELEGATES

(Applause) Here - Here!!

MR. WASHINGTON

We are here represented by the youthful of our country--the youngest here being just twenty-six years of age and as many as six members of our company yet under the age of thirty-one, with only twelve being over forty-four in years.

MR. FRANKLIN

(Interrupting) . . . And, Mr. President, are not the long years recognized here?

MR. WASHINGTON

Yes, Benjamin, of course they are.

MR. FRANKLIN

In my eighty-one years I have seen more things happen to the colonies than anyone here.

MR. WILSON

And your wisdom, Sir, and your wit have been of the fairest of compliments to us all. Indeed, I am honored to serve you as your reader.

MR. FRANKLIN

Well, thank you, my dear friend.

MR. WASHINGTON

Mr. Morris, you have so often - so eloquently addressed this Convention. I call upon you now, Sir, if you will, to present to us a brief overview of the activities of this Convention.

MR. MORRIS

Thank you, Mr. President. I will be pleased to do as you requested. (Washington sits.) Mr. President, Governors of the various states, Congressmen, lawyers, merchants, manufacturers, bankers, planter and farmers, Gentlemen of the Constitutional Convention, the year of our Lord, Seventeen Hundred and Eighty Seven:

With great intent and purpose did we gather here at this place. Agitated by the menace of weakened government, we have come "to devise such further provisions as shall appear to us necessary to render the government adequate to the exigencies of the Union." That we have done!

It has been long and sometimes bitter. Of the fifty-five delegates finally in attendance at this Convention, only forty-two of us have struggled on until this time. (I deeply regret to hear that there are among us three who may refuse to sign the document.)

Struggle we did. In our attempt to devise a new government, we considered the Virginia Plan brought to us by Mr. Randolph, Mr. Paterson's New Jersey Plan and the Plans of Alexander Hamilton of New York and Charles Pinckney of South Carolina.

While each had its merits, none sufficed. We negotiated and met with compromise on such issues as representation, slave counting, commerce, and the executive branch, and we drew to conclusion on the issues of Separation of Powers, Checks and Balances, and Federalism--until finally, we have agreed, although I fear to the absolute satisfaction of none, to a work which we trust to be "acceptable."

(Mr. Morris bows to Mr. Washington and is seated.) (All delegates applaud.)

MR. WASHINGTON
Thank you, Mr. Morris. Thank you. . . . And now, will our unofficial Secretary please read the final copy of THE CONSTITUTION OF THE UNITED STATES OF AMERICA!

MR. MADISON
(Rises, script in hand.) We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense (His voice trails off and he stops speaking as the narrator begins.)

NARRATOR
The document which the Framers prepared proved to be the formidable instrument upon which our country would rest securely for at least the next two hundred years.

OBSERVATION SHEET

GEORGE WASHINGTON

Personal qualities:

Contribution to the Convention:

JAMES MADISON

Personal qualities:

Contribution to the Convention:

EDMUND RANDOLPH

Personal qualities:

Contribution to the Convention:

OBSERVATION SHEET

BENJAMIN FRANKLIN

Personal qualities:

Contribution to the Convention:

JAMES WILSON

Personal qualities:

Contribution to the Convention:

GOUVERNEUR MORRIS

Personal qualities:

Contribution to the Convention:

III-E. THE BATTLE TO OBTAIN RATIFICATION OF THE CONSTITUTION

OBJECTIVE: Students will understand that the Constitution was ratified by some states only after much effort by the Federalists and their concession that a Bill of Rights would be added to the Constitution.

PURPOSE: Students will learn that many people were opposed to giving so much power to a national government; they wanted to be assured that their rights would be protected against the abuse of power by the proposed national government.

INSTRUCTION

INTRODUCTION

1 - Write the words "MAJORITY" and "MINORITY" on the board. Ask students to define the terms. Ask them to give an example of a situation that illustrates a majority and a minority point of view.

2 - Write the word "CONSENSUS" on the board. Ask students what the word means. Ask them to provide an example of an agreement reached by consensus. (See **TEACHER RESOURCES.**)

3 - Inform the class that today's lesson will concern the majority and the minority viewpoint concerning whether the proposed Constitution should be approved.

TEACHING THE CONTENT

1 - Have students read the selection called **THE STRUGGLE FOR RATIFICATION.** Ask them to identify the name given to the group of people who favored ratification and the group of people who opposed ratification.

2 - After the class has identified the Federalists and the Antifederalists, ask the students to explain how it was possible for the states to reach agreement about the new constitution--Arguments in Federalist Papers, agreement to add a Bill of Rights, they could not come up with anything better, etc.

3 - Hand out **RATIFICATION FACTS, ARGUMENTS AGAINST THE CONSTITUTION**, and the accompanying **RATIFICATION WORKSHEET.** Ask students to write answers to the questions on the worksheet.

4 - Discuss the findings. (See **TEACHER RESOURCES** for suggested learnings.)

CLOSING THE LESSON

1 - Have students answer the questions on the page titled **IDENTIFYING THE POINT OF VIEW.**

2 - Have students complete the anagram.

THE STRUGGLE FOR RATIFICATION

Many Americans opposed the proposed Constitution. In most states there was a great debate about the Constitution. In order for the Constitution to be approved or ratified the elected delegates to the state conventions of nine states would have to approve by a majority vote. This was a difficult task. Both sides had good arguments for their case. People who argued in favor of the Constitution were called Federalists. They wanted a strong national government that would share power with the states. Opposing the Federalists were the Antifederalists. They believed that a strong central government might abuse its powers and felt that the government under the Articles could work with appropriate revisions.

A group of writings called The Federalist Papers were written by Alexander Hamilton, James Madison and John Jay. These papers presented arguments that explained why the proposed Constitution should be adopted. The Federalists realized that ratification by nine states would be difficult to achieve. Rhode Island had not even sent delegates to the Federal Convention and prospects in North Carolina were dim. In addition, a majority of the population in several states opposed the new Constitution.

The vote for ratification was very close at the state ratifying conventions of New Hampshire, Massachusetts, Virginia and New York. The majority was opposed to the Constitution at the beginning of the last three of these state conventions. Some states did not ratify the Constitution until the Federalists agreed to add a Bill of Rights to the Constitution at a later date. North Carolina and Rhode Island did not ratify the Constitution until after the Bill of Rights was actually written. Even the proposed Bill of Rights did not convince Rhode Island, which refused to call a ratification convention until 1790, after the U.S. Senate had passed a bill ending commercial relations with Rhode Island, and the city of Providence threatened to secede from the state. Thus the government under the Constitution consisted at first of eleven states rather than thirteen.

Many common people feared the changes that might be brought by the Constitution, but nevertheless they hoped that the new Constitution would work.

RATIFICATION FACTS

The following chart lists some of the important facts about the ratification of the Constitution. Review the facts in your reading assignment and in the chart below. Answer the questions listed on the **RATIFICATION WORKSHEET.**

STATE	STATE SIZE	DATE OF RATIFICATION	VOTE	INFLUENTIAL LEADERS
Delaware	Small	Dec. 7, 1787	Unanimous	John Dickinson George Read
Pennsylvania	Large	Dec. 12, 1787	46-23	Benjamin Franklin James Wilson
New Jersey	Small	Dec. 18, 1787	Unanimous	William Livingston
Georgia	Small	Jan. 2, 1788	Unanimous	
Connecticut	Medium	Jan. 9, 1788	128-40	William Johnson Roger Sherman
Massachusetts	Large	Feb. 6, 1788	187-168	Elbridge Gerry John Hancock
Maryland	Medium	Apr. 28, 1788	63-11	Charles Carroll
South Carolina	Medium	May 23, 1788	149-73	Charles Pinckney Pierce Butler
New Hampshire	Small	Jun. 21, 1788	57-47	John Langdon
Virginia	Large	June 25, 1788	89-79	Patrick Henry James Madison
New York	Medium	Jul. 26, 1788	30-27	Alexander Hamilton John Jay
North Carolina	Large	Nov. 21, 1789	194-77	Hugh Williamson
Rhode Island	Small	May 29, 1790	34-32	

ARGUMENTS AGAINST THE CONSTITUTION

I care not whether [the Constitution] be called a compact, agreement, covenant, bargain or what. Its intent is a concession of power on the part of the people to their rulers. . . . Power belongs originally to the people, but if rulers be not well guarded, that power may be usurped from them. . . . Let us beware of the iron glove of tyranny.

- William Goudy in North Carolina Convention

[W]ho authorized them to speak the language of We the people, instead of, We the states? If the states be not the agents of this compact, it must be one great consolidated national government, of the people of all the states. . . . The people gave them no power to use their name. . . . [W]hat danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

- Patrick Henry in Virginia Convention

I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by juries. . . .

The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President.

- Thomas Jefferson to James Madison
Paris, December 20, 1787

What is liberty? The power of governing yourselves. If you adopt this constitution, have you this power? No: you give it into the hands of a set of men, who live one thousand miles distant from you. . . . But pray who are the United States -- a president and four or five Senators.

- James Lincoln, South Carolina Convention

The augmentation of slaves weakens the states; and such a trade is diabolical in itself, and disgraceful to mankind. Yet, by this constitution, it is continued for twenty years. As much as I value an union of all the states, I would not admit the Southern states [South Carolina and Georgia] into the union, unless they agree to the discontinuance of this disgraceful trade.

- George Mason in Virginia Convention

These lawyers, and men of learning, and monied men, that talk so finely and gloss over matters so smoothly, to make us poor illiterate people, swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President: yes, just as the whale swallowed up Jonah.

- Amos Singletary in Massachusetts Convention

[Under the Articles of Confederation], we were, it is true, too cautious and too much restricted the powers of the central government. But now it is proposed to go into the contrary, and a more dangerous extreme; to remove all barriers to give the new government free access to our pockets, and ample command of our persons, and that without providing for a genuine and fair representation of the people.

- Melancton Smith in New York Convention

RATIFICATION WORKSHEET

1 - Did the state conventions require a unanimous vote by their delegates to ratify the Constitution?____________________
If not, what kind of vote was required?____________________

2 - Which three states ratified the Constitution unanimously?
________________, ________________, ________________

What was the same about all three states?
____
____

3 - In which states was opinion so evenly divided that the majority exceeded the minority by 10 or less votes? ________
____
____

4 - Approximately how many months elapsed between the time the first and the last states ratified the Constitution? ______
____

5 - What do you think might have happened if the Constitution had not been ratified?____________________________
____
____

6 - Would a Federalist or an Antifederalist most likely say the following?

A. The government should be small and close to the people, so all citizens can see and discuss the decisions that are made.

B. The success of the republic depends on granting the national government the power to tax people directly, to raise an army and navy, and to regulate trade with foreign nations.

C. Who gave them the right to say "We the People," instead of "We the States"?

7 - What were three (3) main complaints against the Constitution? Name an Antifederalist who argued for each one. Can you think of responses for supporters of the Constitution to make?

IDENTIFYING THE POINT OF VIEW

INSTRUCTIONS: Answer the questions by deciding if the situation represents the majority, minority or consensus point of view.

1 - The eighth grade students are going to the movies this Friday. Ninety-seven voted to see Star Wars IV and 87 voted to see 2009, An Underwater Fantasy.

What point of view is represented by the 97? ______________
Why?____

2 - For a party, fifteen students voted to have pizza. Ten voted to have fried chicken.

What point of view is represented by the people who wanted to order fried chicken? ____________________ Explain why.

3 - Members of the girls' basketball team need to purchase basketball shoes. Some girls want Reeboks; some prefer other brands. The company selling brand "X" shoes offers the girls a very low price if they will all buy from them. After a long discussion, the girls all agreed to buy brand "X."

What point of view is represented by this decision? ____________________________ Explain the reason for your answer.____

4 - Two members of the basketball team, Linda and Sarah really believed Reebok shoes would be much better for their feet but they agreed to go along with the other girls and buy brand "X." Did they do the right thing? Explain.

5 - How does their situation relate to how North Carolina and Rhode Island finally joined the Union?______________________

ANAGRAM

Rearrange the words into a logical sentence that explains one idea presented in this lesson:

ratified representatives of The was a Constitution majority the by ratifying state at conventions.

TEACHER RESOURCES

INTRODUCTION - Step 2

A consensus must be reached when there is the need for a single rule for the group. This often means that a compromise is necessary -- each side must give up some of what it wants.

Answers to **RATIFICATION WORKSHEET** questions:

1 - Only a majority vote was required in the state ratifying conventions.

2 - Delaware, New Jersey and Georgia ratified unanimously. They were all small states who were among the first four to ratify.

3 - Ten or fewer votes separated the sides in New Hampshire, Virginia, New York and Rhode Island.

4 - Two years and five months, a total of 29 months elapsed.

5 - There would have been added efforts to amend the Articles; there would have been more uncertainty and unrest.

6 - A and C are Antifederalist; B is Federalist.

7 - Positions presented by the opponents of the proposed constitution include the following:

    A - There was no bill of rights. (Thomas Jefferson)

    B - The rulers will have too much power. (William Goudy)

    C - Government under the proposed constitution would not allow the people to govern themselves. (James Lincoln)

    D - The slave trade must be discontinued. (George Mason)

    E - The men of learning and money expect to run the government under the Constitution. They will swallow up the little folks. (Amos Singletary)

    F - The men who wrote the Constitution were not given the authority to speak for "the people." They were to speak for "the states." (Patrick Henry)

    G - The new government would have access to our money and to our rights. (Melancton Smith)

ANAGRAM SOLUTION

The Constitution was ratified by a majority of the representatives at state ratifying conventions.

Answers to **IDENTIFYING THE POINT OF VIEW** questions:

1 - This represents the majority position. Most wanted to see Star Wars IV.

2 - This represents the minority position. Fewer than one-half of the people wanted fried chicken.

3 - This is a consensus position. They all agreed on one brand.

4 - Differences of opinion may be expressed in response to this question. To some, this would represent a loss of principle. To others, this may seem the best thing to do in order that harmony would exist on the team.

5 - These two states decided they needed to join the union to obtain its benefits. In fact there was economic pressure placed on Rhode Island by the other states that led to its decision to join the union. In a certain sense they also agreed to join the team.

CHAPTER IV

CONSTITUTIONAL CHANGE

CHAPTER IV

CONSTITUTIONAL CHANGE

OVERVIEW

The U.S. Constitution is the oldest written constitution in the world. When contrasted with other constitutions in existence today, its longevity is truly remarkable. Nearly two-thirds of the world's more than 160 national constitutions have been adopted or revised since 1970; only 15 national constitutions predate World War II; most nations which have constitutions have had at least two since 1945.

Why has the U.S. Constitution endured? One reason is that there was a provision included in the Constitution, Article V, that describes a procedure for adding amendments to the document. The first lesson in this Chapter describes that procedure and explains which alternatives have been used when the 26 additions were made to the Constitution. The focus of the second lesson is on those amendments which made the Constitution more democratic by extending the right of suffrage to more and more segments of the population. Students participate in a series of voting simulations beginning in 1789 and extending into the second half of the Twentieth Century. In these simulations they become acutely aware of the feelings of deprivation experienced by persons who were denied the franchise.

The third lesson demonstrates that it is difficult to amend the Constitution. This lesson helps students understand why only 16 amendments have been added to the Constitution since the Bill of Rights was added in 1791. This lesson also leads naturally to a consideration of other means by which the document has been adapted to changing conditions and needs as the nation grew in size and complexity. One means of adaptation involves the exercise of Judicial Review by the courts. The origin of this power is the subject of a lesson concerning the landmark decision of Marbury v. Madison, decided by the Court of Chief Justice John Marshall in 1803.

Changes that occurred in the U.S. Supreme Court's exercise of Judicial Review relating to the role of black people in the United States is the subject of the final lesson in this Chapter. The lesson examines how the Constitution and the Civil War Amendments were interpreted by the Court in the light of changing social, economic and political circumstances.

LISTING OF LESSONS IN THIS CHAPTER

IV - A. AMENDING THE CONSTITUTION

IV - B. VOTING RIGHTS AMENDMENTS

IV - C. ATTEMPTING TO AMEND THE CONSTITUTION: A SIMULATION

IV - D. JUDICIAL REVIEW

IV - E. JUDICIAL INTERPRETATION: A CENTURY OF CHANGE

IV - A. **AMENDING THE CONSTITUTION**

OBJECTIVES: Students will:

1 - gain an understanding of the formal process that may be used to amend the Constitution,

2 - learn how difficult it is to amend the Constitution, and

3 - understand why the 25th Amendment was added to the Constitution.

PURPOSE: Students will understand that the amendment process was included in the Constitution by the Framers as a device to adapt the Constitution to new situations that they were unable to anticipate; however, they made this process very difficult to accomplish in order that thorough debate and consideration would occur before the Constitution would be changed.

INSTRUCTION

INTRODUCTION

1 - Write the word AMENDMENT on the board. Ask students for a definition of the word. (Do not tell them a "correct" meaning until the end of the lesson. Encourage them to "discover" the answer through the debate and discussion.)

2 - Inform the students that in this lesson they will study one important change in the Constitution that will illustrate why it is important to be able to amend the Constitution.

TEACHING THE CONTENT

1 - Distribute the **AMENDMENT PROCESS** handout. (Alternatively you may place the diagram on the board and have students read ARTICLE V in their textbooks.)

2 - Ask students, working in groups, to place information in the diagram that describes the constitutional amendment process that is explained in Amendment V.

3 - Ask a representative from each group to draw their diagram on the board.

4 - Discuss the information in the diagrams. (See **TEACHER RESOURCES** for a discussion of the relevant information.)

5 - Have students answer the questions on the **AMENDMENT PROCESS** handout.

6 - Discuss the answers. Help students understand that a major reason why there have been so few amendments is because the process requires unusual majorities (two-thirds at the proposal stage and three-fourths at the ratification stage). Therefore if an amendment is added to the Constitution, it must be important. One such example is the 25th Amendment.

7 - Have students read the 25th Amendment (from the handout or in their text.)

8 - Ask each group of students to write a brief description of what the Amendment says. Also ask them to explain why the Amendment was added to the Constitution. Would anything be different if it had not been added to the Constitution?

9 - Ask representatives from the groups to share their answers. (See **TEACHER RESOURCES** for a discussion of this Amendment's significance.)

10 - Ask students for a definition of the word AMENDMENT. Has their definition changed since the beginning of the lesson?

CLOSING THE LESSON

1 - Have each group construct an anagram that explains one important fact about the constitutional amendment process. The anagram may not contain more than 20 words.

2 - Have each group place its scrambled sentence on the board. The other groups must solve the anagrams. The first group to solve three anagrams correctly is the winner. (Provide an appropriate award for the winners.)

THE AMENDMENT PROCESS

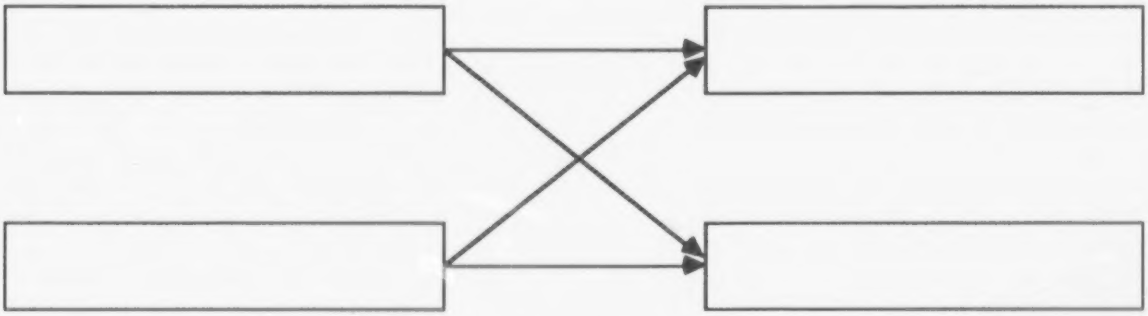
ARTICLE V:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by Congress.

The above portion of ARTICLE V tells how the Constitution may be amended. Place information in the following diagram that will describe this amendment process.

METHODS OF AMENDING THE CONSTITUTION

PROPOSING AMENDMENTS   RATIFYING AMENDMENTS



QUESTIONS

1 - How many amendments have been added to the Constitution since 1789?______________________________

2 - What is the name given to the first 10 amendments?__________

____

3 - How many amendments have been added to the Constitution since 1792?______________________________

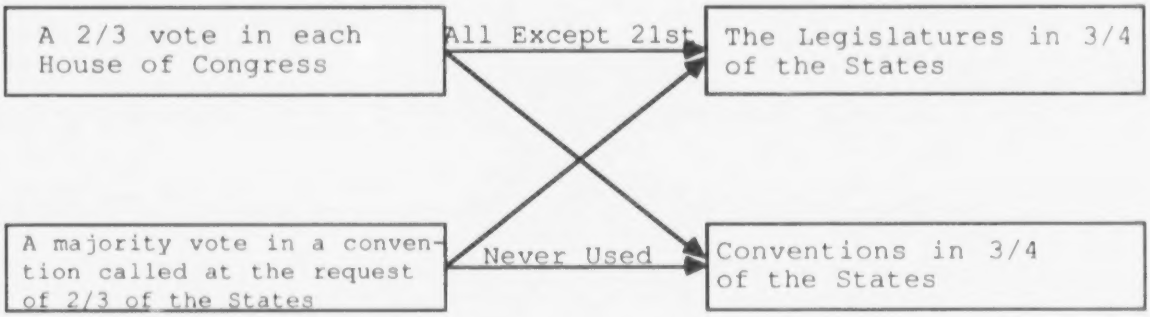
4 - Why do you think that so few amendments have been added to the Constitution?______________________________

____

TEACHER RESOURCES

TEACHING THE CONTENT - Step 4

The information in the diagram should contain the following:


A 2/3 vote in each House of Congress
All Except 21st
The Legislatures in 3/4 of the States
A majority vote in a convention called at the request of 2/3 of the States
Never Used
Conventions in 3/4 of the States

Article V does not explain which process was used when amendments were added to the Constitution. Therefore, unless their textbook provides the information, you will need to tell students what to write between the boxes.

Note that only one amendment, the Twenty-first, has been ratified by conventions in the states. All other amendments were ratified by a vote in the legislatures of the states. When Congress proposed this amendment, they decided that those who preferred the repeal of the Eighteenth Amendment (the Prohibition Amendment) would have more influence in a convention than they would have in some state legislatures.

Tell students that the Amendment process is important. In the first place, the Constitution would not have been accepted by the state ratification conventions without the agreement that the Bill of Rights would be added to the Constitution to satisfy the Antifederalists who felt that people needed protection from the new, powerful national government. Because the formal amendment process is described in the Constitution, there was agreement about how these amendments could be added. Secondly, other amendments have been added to adapt the Constitution to new conditions that the Framers did not anticipate. These amendments have generally made the Constitution more democratic and allowed more people to participate in the process of governing.

TEACHING THE CONTENT - Instruction No. 9.

When a President dies, the Vice President becomes President. However, prior to passage of the Twenty-fifth Amendment in 1967, there was no provision in the Constitution for replacing the Vice President when that office became vacant, as it had been sixteen times prior to that date.

Just prior to the Watergate affair, Richard Nixon's Vice President, Spiro Agnew resigned. (The only previous Vice President to resign was John C. Calhoun who resigned over political and personal differences with President Andrew Jackson.) President Nixon, in accord with provisions in the Twenty-fifth Amendment, nominated Representative Gerald Ford to be the new Vice-President; Congress confirmed the nomination. Thus when Nixon resigned the presidency in August 1974, the presidency did not go to the Democratic Speaker of the House of Representatives (who would have become President since there was no Vice President) but instead to Gerald Ford, a Republican. Ford has never been the choice of an electorate larger than a Congressional district in Michigan.

IV-B. **VOTING RIGHTS AMENDMENTS**

OBJECTIVES: Students are expected to:

1 - know who was permitted to vote when the Constitution was ratified,

2 - identify which groups of people have gained suffrage through the amendment process,

3 - explain how each of these amendments increased democracy in the United States,

4 - explain how these amendments have changed the relationship between the national and state governments, and

5 - experience how it feels to be prohibited from using the franchise when others like them are permitted to vote.

PURPOSE: The lesson will demonstrate how the franchise was extended through the amendment process, thus limiting the authority of the states to determine voting requirements.

INSTRUCTION

INTRODUCTION

1 - Ask students, "Who can vote in elections today?" Assume that all eligible persons have registered. DO NOT provide an answer--merely permit students to suggest answers they think are correct.

2 - Next ask students whether voting qualifications today are the same as those at the time the Constitution was written. Again DO NOT provide an answer. After they have had an opportunity to suggest answers tell them that in this lesson they will learn how the qualifications for voting have changed since 1789. They will learn this by assuming the role of different individuals at different points in time since 1789.

TEACHING THE CONTENT

1 - Give each student a colored piece of paper. (See **TEACHER RESOURCES** for instructions.)

2 - Conduct Simulation #1 - Hold a class vote. (See **TEACHER RESOURCES** for instructions.)

3 - Follow with discussion. (See **TEACHER RESOURCES** for instructions.)

4 - Have students read the Fifteenth Amendment.

5 - Distribute the **AMENDMENT CHART** and have students complete the information needed for the Fifteenth Amendment.

6 - Conduct Simulation #2 - Hold a class vote. (See **TEACHER RESOURCES** for instructions.)

7 - Follow with discussion. (See **TEACHER RESOURCES** for instructions.)

8 - Have students read the Nineteenth Amendment. Then have them complete the **AMENDMENT CHART** for this amendment.

9 - Conduct Simulation #3 - Hold a class vote. (See **TEACHER RESOURCES** for instructions.)

10 - Follow with discussion. (See **TEACHER RESOURCES** for instructions.)

11 - Have students read the Twenty-sixth Amendment. Then have them complete the **AMENDMENT CHART** for this amendment.

12 - Conduct Simulation #4 - Hold a class vote. (See **TEACHER RESOURCES** for instructions.)

13 - Follow with discussion. (See **TEACHER RESOURCES** for instructions.)

CLOSING THE LESSON

Have students complete the **VOTING RIGHTS QUESTIONNAIRE.**

TEACHER RESOURCES

TEACHING THE CONTENT - Step 1

Provide each student with a piece of colored paper. The colors will represent the following characteristics:

Red - White male over age 21
Blue - Black male over age 21
Yellow - White woman over age 21
Green - Black woman over age 21
Purple - Persons aged 18, 19 and 20
"P" - Property ownership (code about 2/3 of the red papers "P" for "property")

TEACHING THE CONTENT - Step 2

The class vote can be to elect class officers, to establish class rules, or to set up a city government and vote on laws they would like to use. The issue is not important, although it should be something which will hold the class's interest. If you can, provide some award for the winner of the vote that is desirable. The rules for voting are:

1 - Only those holding red papers marked "P" may discuss the issues,
2 - Only those holding red papers marked "P" may vote.

TEACHING THE CONTENT - Step 3

Inform the students about the meaning of the colored papers they are holding. (This information is listed in No. 1 above.)

Then ask the following questions:

1 - Who is allowed to vote? Who may not vote?
2 - At what time in the history of the U.S. would this election have taken place?
3 - Was the vote democratic or fair?
4 - What did the Constitution say about voting rights?

Emphasize the following points:

1 - ARTICLE I, Section 4 grants the states the power to determine voting qualifications.
2 - The states made property ownership an important qualification for voting. Most states limited voting to white males who owned property, although in a few states women and blacks who owned property could vote.
3 - At this time in history there were no other countries which allowed as much democracy as did the United States. This began a democratic tradition that left the door open to change and the expansion of democracy.

4 - Change could come through action by the individual states or through a constitutional amendment. The first change was made by the individual states. Property qualifications were dropped in most states, although some states still required this qualification for blacks.
5 - After the Civil War, several states still did not allow blacks to vote. Congress proposed the Fifteenth Amendment. It was ratified in 1870 and granted blacks the right to vote.

TEACHING THE CONTENT - Step 6

Before conducting the second vote, have all students holding blue papers take a literacy test (use **LITERACY TEST - A**). A student must answer all four questions with 100 percent accuracy in order to qualify to vote. (After students have taken the test, inform them that the questions on this test are taken from an exam used in Alabama that was declared to be unconstitutional by a federal court in 1965.) Most likely no one will pass, thus again only those holding red papers will vote (they no longer need a "P" on the red paper, however.) You may want to suggest some privileges that those holding red papers may vote for themselves.

Answers to the literacy test are:

1 - trial by jury (Amendment VI)
2 - January 3 (Amendment XX)
3 - six (Amendment XVII)
4 - life, during good behavior (Article III, Section 1).

The entire answer must be provided, otherwise it is incorrect.

TEACHING THE CONTENT - Step 7

Discussion topics may include:
1 - (For non-voters) What do you think about this system? Is it good or bad? Explain.
2 - (For voters) What advantage does this system have for you? Do you like it? Do you want to share power with everyone else?
3 - Did the Fifteenth Amendment make the U.S. more democratic? Why or why not?
4 - Who is still left out of the voting process?

Emphasize the following points:

1 - Not all states used literacy tests. They were used primarily by southern states as a method to prevent blacks from voting.

2 - Other methods used to limit people from voting were poll taxes and the grandfather clause (this only allowed people to vote if their grandfather was a voter in 1865; naturally blacks were not able to vote at that time). Thus the Fifteenth Amendment was not very effective until 1965.
3 - Women began working as an organized group in 1848 in order to gain suffrage.
4 - By 1920 many individual states had given women the right to vote, but some granted only partial suffrage, such as the right to vote in school elections.
5 - In 1920 the Nineteenth Amendment was added to the Constitution.

TEACHING THE CONTENT - Step 9

Before voting to demonstrate the effect of the Nineteenth Amendment, give **LITERACY TEST - B** to those students holding blue and green papers. Anyone who misses a single answer will fail, so they may not vote. Students with red or yellow papers vote. Conduct the vote as before.

Answers to the literacy test are:

1 - Senate (Article I, Section 3, clause 4)
2 - the state legislatures of Alabama and Mississippi and Congress (Article IV, Section 3, clause 2)
3 - false; the legislature is the chief lawmaking body
4 - Senate and House of Representatives (Amendment XII)

TEACHING THE CONTENT - Step 10

1 - Who is still denied the right to vote?
2 - Point out how voting rights have become more democratic.
3 - Do states still have the right to establish voting requirements?

Emphasize the following points:
1 - The Twenty-fourth Amendment, forbidding poll taxes, was passed in 1964. The poll taxes had prevented some poor and blacks in the South from voting.
2 - In 1965 Congress passed the Voting Rights Act. This was not an amendment, but it increased the effectiveness of the Fifteenth Amendment by outlawing restrictions, such as literacy tests, that states had used to prohibit blacks from voting.
3 - In 1971, the Twenty-sixth Amendment lowered the voting age to 18.

TEACHING THE CONTENT - Step 12

In this simulation everyone is allowed to vote.

TEACHING THE CONTENT - Step 13

1 - Ask students holding purple papers how they felt each time a vote was taken. Was there any way they could make their wishes known?

2 - Why was the voting age lowered to 18 in 1971? (This was the time of the Vietnam War and the slogan "Old enough to fight, old enough to vote" was very popular.)

3 - Have we now achieved democracy? Are there any other groups who should be allowed to vote? Explain.

AMENDMENT CHART

AMENDMENT NUMBER	DATE RATIFIED	WHAT DID THE AMENDMENT SAY? USE YOUR OWN WORDS.

LITERACY TEST - A

1. Which of the following is a right guaranteed by the Bill of Rights?
___Public Education ___Employment ___Voting ___Trial by Jury

2. A United States Senator elected at the general election in November takes office the following year on what date?
____

3. A United States Senator is elected for a term of ____ years.

4. A person appointed to the United States Supreme Court is appointed for a term of ________________.

LITERACY TEST - B

1. The Vice President presides over the ________________________.

2. If it were proposed to join Alabama and Mississippi to form one state, what groups would have to vote approval in order to have this done?______________________________

3. The Supreme Court is the chief lawmaking body of the state.
TRUE or FALSE

4. The electoral vote for President is counted in the presence of two bodies. Name them: ______________________________

VOTING RIGHTS QUESTIONNAIRE

1 - Who made decisions about voting qualifications in 1789?

2 - Since 1789, which government has gained more power in setting voting qualifications, the state or the national?

3 - For each person listed below indicate which amendment was responsible for finally extending suffrage to the person and the date the amendment was ratified. If no amendment was necessary, write "NO AMENDMENT."

A. Plantation owner, 45 years old, white, male.

B. Domestic servant, black, female, 35 years old.

C. College student, white, female, 19 years old.

D. Blacksmith, white, male, 33 years old.

E. Teacher, black, male, 40 years old.

F. Housewife, white, female, 60 years old.

G. Unemployed, white, male, 25 years old.

4 - Put a check in front of each item that would not be permitted by the Constitution today.

____A. A state makes women eligible to vote.

____B. A state decides to require voters to pay a $10 fee to cover ballot costs.

____C. A state denies American citizens of Chinese descent the right to vote.

____D. The voting age is raised to 20 in California.

IV-C. **ATTEMPTING TO AMEND THE CONSTITUTION: A SIMULATION**

OBJECTIVES: Students playing the role of U.S. Senators will:

1 - learn how the person from the state they represent is likely to vote on a proposed amendment to the Constitution,

2 - understand that members of Congress from other states may differ strongly concerning the same issue,

3 - experience the frustration of failing to obtain a two-thirds majority for their side of the issue, or experience the satisfaction of securing one-third plus one to defeat a proposed amendment, and

4 - recognize that the state with the fewest people, Alaska, has as many votes in the Senate as California, the state with the largest population.

PURPOSE: This lesson will teach students that it is very difficult to obtain the two-thirds majority vote needed in both houses of Congress to propose an amendment to the Constitution. This lesson would, therefore, lead naturally to lessons concerning the informal amendment process.

INSTRUCTION

INTRODUCTION

1 - Review the process involved in amending the Constitution. (See the first lesson in this Chapter and ARTICLE V of the Constitution.) Note that a two-thirds vote is needed in each house of Congress to propose an amendment (the only method used to date), and that three-fourths of the state legislatures (the method used for every amendment except the Twenty-first) must approve a proposal before it becomes a part of the Constitution.

2 - Inform students that they will be playing the role of a U.S. Senator during consideration of a constitutional amendment.

TEACHING THE CONTENT

1 - Distribute the role assignments for the simulation. (See **STUDENT MATERIALS** for the role forms and **TEACHER RESOURCES** for a description of how the roles can be assigned.)

2 - Write the proposed amendment on the board. (See **TEACHER RESOURCES** for the text of the amendment.) Inform students they are to assume the role of the Senator listed on their assignment sheet. Tell them some Senators will be for the proposed amendment, some will be against it and some will be undecided.

3 - Have Senators who favor the proposed amendment present their arguments. Then have those who are opposed present their reasons. Finally, those who are undecided should state their positions.

4 - Vote to determine whether two-thirds of the Senators favor the proposed amendment. (See **TEACHER RESOURCES** for a point that can be taught following the vote.)

5 - Ask proponents of the amendment if they felt frustrated, knowing they needed a two-thirds majority to win.

6 - Ask students if they believe that it is right for a state like Alaska, with fewer than one million people, to have as many votes in the Senate as California which has more than 25 million people. (Remind them that this situation is the result of the major compromise made at the Constitutional Convention.)

CLOSING THE LESSON

1 - Have students solve the anagram.

2 - Ask students to speculate about why the Constitution has lasted for more than 200 years with so few amendments. (Inform them that other informal procedures are used to adapt the Constitution to changes that occur in society. Tell them that they need to recognize these methods for changing the Constitution in order to understand why it has endured for 200 years. This leads naturally to the lessons on Judicial Review and Judicial Interpretation.)

ROLE ASSIGNMENTS

You are for the resolution and introduce it in the Senate.

MALE early 60s ALABAMA

You are leading the fight against the resolution. You believe that prayer is a private matter.

FEMALE 44 NEW YORK

You are for the resolution. You say it will eliminate confusion about whether there can be any religious activity in the public schools.

MALE 47 FLORIDA

You are for the resolution. It is needed to teach proper values to the children of the nation.

MALE 56 TEXAS

You are undecided. You are receiving mail from your constituents both ways. You want to hear more.

MALE 47 OHIO

You are for the bill. You rally others behind it.

MALE 70 MICHIGAN

You are for the resolution. You feel it is needed to promote religion in the schools.

MALE Mid 50s GEORGIA

You are against the resolution. You feel that children will be pressured by their peers to participate in prayers.

MALE 52 MICHIGAN

You are against the resolution. Prayer is not the business of the public schools.

MALE 65 CALIFORNIA

You are undecided. You like the idea, but will it force some people to violate their religious principles?

MALE 49 CONNECTICUT

You are undecided. The resolution is not a matter of concern back home. You could be persuaded either way.

MALE 64 MASSACHUSETTS

You are undecided. As a former educator you want students to learn proper values, but you are not convinced this is the proper way to do it.

FEMALE 52 INDIANA

You are *against* the resolution. It is none of the government's business to teach religion in the public schools.

MALE 58 OREGON

You are *against* the resolution. You feel religious exercises in the schools violate the First Amendment of the Constitution.

MALE 51 MASSACHUSETTS

You are *for* the resolution. Listen to the reasons given by others and decide which argument favoring the resolution is strongest.

MALE 49 NORTH DAKOTA

You are *undecided*. Your constituents favor the idea but you are opposed.

MALE 46 SOUTH DAKOTA

You are *against* the resolution. Although a majority of your constituents favor the proposal, you believe it would violate the Establishment of Religion Clause of the First Amendment.

MALE 72 WASHINGTON

You are *undecided*. You are unsure of the need for a constitutional amendment on the subject.

MALE 51 MINNESOTA

You are *for* the resolution. You feel teachers need all the help they can get to teach today's young people.

MALE 67 FLORIDA

You are *for* the resolution. Children need the benefit of moral training in the schools because they do not get enough at home.

MALE 61 KANSAS

You are *against* the resolution. Listen to the reasons given by others and decide which argument opposing the resolution is strongest.

MALE 63 IDAHO

You are *undecided*. You like the idea but are not certain it would be constitutional.

MALE 60 INDIANA

You are *undecided*. You think that religion is a private matter but there is also a need to teach moral values in the schools.

MALE 69 MINNESOTA

You are *against* the resolution. Religion is a matter for parents to teach, not the public schools.

MALE 47 COLORADO

You are undecided. Children need training in moral values but is this the proper way to accomplish the goal?

FEMALE 39 DELAWARE

You are undecided. It might be a good idea but in your state it would be a mistake. There are too many influential religious groups who would battle for control of the prayers to be used.

MALE 49 CALIFORNIA

You are for the resolution. Most people in your state would favor prayer in the schools.

MALE 60 UTAH

You are against the resolution. People have the choice of sending their children to private schools if they want religion taught in the schools.

MALE 53 RHODE ISLAND

You are against the resolution. You don't want other people deciding what prayers your children should use.

MALE 75 OHIO

You are for the resolution. The nation has a religious heritage. Religion plays an important role in the United States.

MALE 53 OKLAHOMA

You are undecided. Vote for the position that you believe is best.

MALE 48 INDIANA

You are undecided. Vote for the position that you believe is best.

FEMALE 61 NEW JERSEY

You are undecided. Vote for the position that you believe is best.

MALE 53 VERMONT

You are undecided. Vote for the position that you believe is best.

MALE 44 HAWAII

ANAGRAM

two-thirds Constitution. the It vote Congress both propose to majority an difficult obtain amendment in to in is order houses to a of

TEACHER RESOURCES

TEACHING THE CONTENT - Step 1

Role forms are included for 34 Senators. Ten are for the resolution, ten are against the resolution and fourteen are undecided. If you have more than 34 students, prepare additional undecided role forms. Distribute the role forms randomly but maintain an equal number of students who are for and against the proposed amendment.

TEACHING THE CONTENT - Step 2

The proposed constitutional amendment is as follows:

> RESOLVED: Nothing in this Constitution prohibits teachers in the public schools of the nation from opening the school day with a voluntary, non-denominational prayer.

TEACHING THE CONTENT - Step 4

Unless those who favor the proposed amendment can convince most of the undecided senators to support their cause, the opponents will win because a two-thirds majority vote is needed.

Explain to students that this situation is rather typical when a constitutional amendment is proposed. This is a major reason why so few amendments have been added to the Constitution. Even when the hurdle of gaining the two-thirds vote in each house of Congress is achieved, an amendment still requires ratification by three-fourths (38) of the states.

ANAGRAM SOLUTION

It is difficult to obtain a two-thirds vote in both houses of Congress in order to propose an amendment to the Constitution.

IV-D. JUDICIAL REVIEW

OBJECTIVES: Students will:

1 - learn the definition of judicial review,
2 - become familiar with the origin of judicial review in the case of Marbury v. Madison, and
3 - be able to identify examples and non-examples of judicial review.

PURPOSE: This lesson will provide a foundation for understanding the significant role played by the courts in U.S. history and the manner in which the Constitution has been adapted to current conditions through judicial interpretation.

INSTRUCTION

INTRODUCTION

1 - Distribute the page that describes the actions taken by the Congress, the President and the State of California.

2 - Ask students whether they think that these actions are legal. Then ask them who determines if these actions are legal or illegal. (Only solicit their answers, do not indicate whether the answers are correct or incorrect.)

3 - Inform the students that in this lesson they will learn who determines whether such actions are legal and the source of authority that is used to make those determinations.

TEACHING THE CONTENT

1 - Distribute the handout titled **SECTIONS FROM THE CONSTITUTION**. Ask students to read item 1. Then, ask them why the action taken by Congress that removed the right to vote from women is illegal. They may respond that it is unconstitutional (it does something that is contrary to--or disagrees with--what the Constitution says).

2 - Next, ask them, "Who has the authority to determine that the action is unconstitutional?" Have the students read item 2 on the handout to determine if they can find an answer.

3 - They will not find a specific answer in the Constitution. Thus, you can inform them that this authority was provided in a U.S. Supreme Court case decided in 1803.

4 - Distribute the **MARBURY v. MADISON** handout. Ask students to read the information about this case. Then, ask them to answer the questions following the case.

5 - Provide a definition of JUDICIAL REVIEW. It is: The power of judges to interpret the Constitution to determine whether actions taken by governmental officials violate the Constitution.

If the actions are properly brought before the court and are considered by the judges to conflict with the Constitution, then they will be declared illegal. The justices of the U.S. Supreme Court are the final authorities in the judicial system.

6 - Have students return to the initial handouts. Ask them to read the remaining sections on the **SECTIONS FROM THE CONSTITUTION** handout. Then direct them to determine why the actions taken by the President and the State of California, listed on the first handout, would be held to be unconstitutional by the courts.

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** form.

CONGRESS REMOVES RIGHT TO VOTE FROM WOMEN!!!

PRESIDENT ORDERS SOLDIERS INTO PEOPLE'S HOMES!!!

CALIFORNIA SETS FINE FOR SPEEDING AT $ 5,000

SECTIONS FROM THE CONSTITUTION

ITEM 1

AMENDMENT XIX (Ratified in 1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

ITEM 2

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.

ARTICLE VI

Section 2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

ITEM 3

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ITEM 4

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Marbury v. Madison (1803)

BACKGROUND

The Constitution did not specifically say that the federal courts have the power of judicial review (the power of judges to interpret the Constitution to determine whether actions taken by governmental officials violate the Constitution).

Congress passed a law in 1789 that authorized the United States Supreme Court to issue writs of mandamus (orders to a public official to do a job that is part of his responsibility). The case of **Marbury v. Madison** presented the issue of whether Congress had the authority to grant this power to the Supreme Court.

THE DECISION

The Supreme Court ruled, in an opinion announced by Chief Justice John Marshall, that Congress did not have the authority to grant this power to the Supreme Court. Marshall stated, "an act of the legislature repugnant to the Constitution is void."

In addition, Chief Justice Marshall stated that "It is, emphatically, the province and duty of the judicial department, to say what the law is."

QUESTIONS

1 - Does the Constitution specifically say that judges shall determine when governmental officials have violated the Constitution?

YES NO

2 - Did the Supreme Court, in the case of **Marbury v. Madison**, claim that it had the authority to determine when governmental officials have violated the Constitution?

YES NO

3 - If the Supreme Court determines that a law passed by Congress conflicts with the Constitution, what is the status of that law?

4 - What is the most important result of the decision in **Marbury v. Madison**?

TEACHER RESOURCES

Marbury v. Madison, Question 4.

The power to examine the constitutionality of actions taken by the Congress and the President helped to make the courts a co-equal branch of the national government. It gave them the power to place a check on the actions of the other branches of government. This became an important part of the system of checks and balances.

The ability of the federal courts to examine the constitutionality of actions taken by state governmental officials is important as a means to provide for a uniform, consistent interpretation of the Constitution throughout the United States. Without this authority, we could have fifty different interpretations of what a particular phrase of the Constitution means. In fact the Supreme Court used the power of judicial review in cases about state government actions before 1803. For example, in 1796 the Supreme Court declared unconstitutional in the case of Ware v. Hylton, a law passed by the Virginia state legislature.

TEACHING THE CONTENT - Step 6

The President's action would be a violation of Amendment III. California's action would violate Amendment VIII.

LESSON EVALUATION:

Numbers 1, 3 and 7 are examples of Judicial Review. (Note that, as in question 3, the Court is also exercising Judicial Review when it declares that an action is constitutional.)

ANAGRAM SOLUTIONS

1. The Constitution is the highest law in the United States.
2. Acts contrary to the Constitution are null and void.
3. The Supreme Court is the final interpreter of the Constitution.

FILL IN THE BLANKS

1. Marbury v. Madison
2. John Marshall

LESSON EVALUATION

Place an "X" on the line before the statements that are examples of Judicial Review. Be prepared to explain the reason for your choices.

___1. The Supreme Court declares that public school authorities cannot require prayers in schools.
___2. Congress proposes the Equal Rights Amendment.
___3. The Supreme Court upholds the right of a state to impose the death penalty in capital crimes.
___4. The Senate tries a spy for treason.
___5. The President vetoes a bill sent to him by the Congress.
___6. California lowers the voting age to 17.
___7. The Supreme Court declares that states may not make abortions illegal during the first three months of a pregnancy.

ANAGRAMS

Unscramble the following words and place them in the correct order to make complete sentences:

1. is highest United States. the in Constitution law The

2. null Acts to and void. Constitution the contrary are

3. Constitution. of Court The is interpreter the Supreme final

FILL IN THE BLANKS WITH THE CORRECT WORDS

1. Judicial Review was established by a Supreme Court decision in the case called _______________ v. ____________________.

2. _______________ __________________ was the Chief Justice of the Supreme Court when the power of Judicial Review was established.

IV-E. JUDICIAL INTERPRETATION: A CENTURY OF CHANGE

OBJECTIVES: In this lesson students will:

1 - learn about the U.S. Supreme Court decisions in Dred Scott v. Sandford (1857), Plessy v. Ferguson (1896), and Brown v. Board of Education (1954),

2 - recognize that the Supreme Court may reverse an earlier decision,

3 - realize that the Court's interpretation of the Constitution may change as times and conditions within society change, and

4 - recognize that a constitutional amendment may change the meaning of the Constitution.

PURPOSE: This lesson will present the changing U.S. Supreme Court interpretations of the constitutional protections afforded black citizens in three major decisions beginning with the period prior to the Civil War and extending to the "Civil Rights Revolution" during the 1950s.

INSTRUCTION

INTRODUCTION

1 - Write the term JUDICIAL REVIEW on the board. Ask students to define the term. (This lesson assumes that lesson IV-D. concerning Judicial Review has been taught.)

2 - Be certain that students remember that: (A) courts have the power of Judicial Review, (B) it is the authority of courts when necessary to decide cases brought before them to determine whether other governmental officials have taken actions that violate the Constitution, and (C) Judicial Review is the ability to declare actions null and void if a majority of the U.S. Supreme Court Justices decide, in a case properly before them, that the action taken is contrary to the directive of the Constitution (the Supreme Law).

3 - Ask students: "What were your favorite things to do when you were five years old?"
"ten years old?"
"now?"

Naturally, the responses will change as they grow older. Note this fact for the students and tell them: "You are the same person, but you have changed as you have grown older."

4 - Inform the students that in this lesson they will learn how the U.S. Supreme Court has changed its interpretation of what protections the Constitution provides for black people in the United States as the conditions in the country changed.

TEACHING THE CONTENT

1 - Distribute the **DRED SCOTT v. SANDFORD** handout. Ask students, working in groups, to compose an answer to the "YOU BE THE JUDGE" section.

2 - Ask a representative from each group to share their answer.

3 - Provide an explanation of the U.S. Supreme Court decision. (See **TEACHER RESOURCES.**)

4 - Distribute the **PLESSY v. FERGUSON** handout. Ask each group of students to write an answer to the "YOU BE THE JUDGE" section.

5 - Ask the group representatives to share their decision. Then ask them to compare this response with their answer to **DRED SCOTT.**

6 - Inform the class about the U.S. Supreme Court decision. (See **TEACHER RESOURCES.**)

7 - Distribute the **BROWN v. BOARD OF EDUCATION** handout. Ask the groups to write a decision.

8 - Ask the representatives to report their decision. Then ask them to compare this response with their answer to **PLESSY v. FERGUSON.**

9 - Inform the class about the decision. Be sure to introduce Justice Harlan's dissent. (See **TEACHER RESOURCES.**)

10 - Ask students, "Why do you think these decisions were decided differently in different time periods?" Ask how dissenting opinions can affect later decisions. Then ask, "How are these decisions related to the question asked at the beginning of the lesson about your favorite things to do at different times in your life?" (Students need to realize that not only do individuals change, but the attitudes of society also change.)

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION QUESTIONNAIRE.**

DRED SCOTT v. SANDFORD (1857)

Dred Scott was a slave. He was owned by an army medical officer named John Emerson, whose residence was in the slave state of Missouri. Dr. Emerson took Dred Scott with him while he traveled on military duty. They lived in the free state of Illinois and also in Wisconsin Territory, which had been made free territory by Congress in the Missouri Compromise of 1820.

In 1843 Dr. Emerson died. Scott became the property of John Sanford, Mrs. Emerson's brother. (Sanford's name was misspelled when the case was printed.)

With the help of some lawyers who felt that slavery should be abolished, Dred Scott filed a case in court in an effort to gain his freedom. He lost his case in the Missouri state courts. Then he filed his suit for freedom in the United States federal court. He claimed that his residence in free United States territory as well as in the free state of Illinois made him a free man.

The case was appealed to the United States Supreme Court. Two of the questions before the court were (1) did a slave become free when moving from a slave territory to a free state or territory, and (2) did Congress have the right to prohibit slavery in the territories, as it did in the Missouri Compromise which prohibited slavery north of 36°36' latitude?

YOU BE THE JUDGE

Write a decision that tells (1) how you believe the U.S. Supreme Court decided these two issues, and (2) why the Court decided the issues as you predicted.

PLESSY v. FERGUSON (1896)

Following the Civil War the Fourteenth Amendment was added to the Constitution in 1868. This amendment was intended to reverse the Dred Scott decision and to provide basic civil rights and liberties to black Americans. A portion of Section 1 of the amendment stated, "No State shall make or enforce any law which shall. . . deny to any person within its jurisdiction the equal protection of the laws."

The meaning of the equal protection clause was at issue in the Plessy case. A Louisiana law of 1890 required "equal but separate accommodations" for white and black railroad passengers. Homer Plessy, who was one-eighth black, sat down in the white parlor car of a train. When told to move, he refused. He was arrested and charged with violating the 1890 law. Plessy claimed the law violated the equal protection clause of the Fourteenth Amendment.

YOU BE THE JUDGE

Write a decision that tells whether you believe the U.S. Supreme Court agreed with Mr. Plessy or decided against him.

BROWN v. BOARD OF EDUCATION

Laws providing for "separate but equal" facilities were applied to all areas of life in the southern states. White children did not attend the black schools and black children did not attend the white schools. (Segregation existed in other parts of the United States too, but many of these areas did not have laws that required black and white people to be segregated.)

During the 1930s the U.S. Supreme Court began to find that separate professional schools for black and white students were not equal. The black schools did not provide the quality of education afforded the white students. The constitutional standard of separate but equal remained the basis for court decisions, but black universities were separate but unequal.

Finally, in the early 1950s, suits were filed against segregated public schools in four states and the District of Columbia. The lead case involved eight-year-old Linda Brown who was required to travel 21 blocks to an all black school in Topeka, Kansas rather than be permitted to attend a white school that was only five blocks from her home.

The people who filed suit in these cases claimed that segregated schools themselves were unconstitutional because such schools denied people equal protection of the laws, even if the facilities were equal in quality.

YOU BE THE JUDGE

Do you think that Linda Brown and the other students won their case? Explain the reason for your answer.

TEACHER RESOURCES

TEACHING THE CONTENT - Step 3

In an opinion announced by Chief Justice Roger Taney, the U.S. Supreme Court decided that (1) a slave did not become free when transported into free territory, and (2) Congress did not have the authority to ban slavery in the territories.

Chief Justice Taney's opinion held that blacks were not citizens of the United States and the states did not have the authority to make them citizens; furthermore, Congress did not have the authority to regulate the property rights of persons living in federal territories, therefore Scott had no right to sue in federal courts. Because slaves were property, it would be a violation of the Fifth Amendment due process clause of the Constitution for Congress to deprive a slave owner of his property.

Each associate justice wrote a separate opinion, six of them supporting Taney but each using different logic to arrive at that position. Justices Benjamin Curtis and John McLean wrote dissenting opinions. Although he had not been an abolitionist, Curtis capably presented the antislavery arguments that Scott's residence in Illinois and Wisconsin Territory made him a free man and a U.S. citizen, and that Congress could control slavery in the territories.

The citizenship clause of the Fourteenth Amendment was intended to refute the majority's conclusion that blacks could not be citizens.

TEACHING THE CONTENT - Step 6

Plessy lost. The Court said that the Louisiana law was a reasonable exercise of the state police power. The law was designed to preserve peace and good order and conformed to the usages, customs and traditions of the people. The equal protection clause did not require the states to enforce social equality. Justice Henry B. Brown stated for the majority that enforced separation of the races is not a "badge of inferiority" even if the "colored race chooses to put that construction on it."

Justice John Marshall Harlan dissented. He noted that: "Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law." He argued that this decision was like Dred Scott because it treated blacks as inferior persons, who had no rights under the Constitution. Harlan's grandson, John Marshall Harlan (the younger) was appointed to the Supreme Court the year after Brown v. Board of Education (1954).

TEACHING THE CONTENT - Step 9

Linda Brown and the other plaintiffs won their case. A unanimous Court overturned the precedent in Plessy v. Ferguson and said that separate educational facilities were inherently unequal.

The Court considered "public education in light of its full development and its present place in American life throughout the nation." They found that, in the mid-twentieth century, "education is perhaps the most important function of state and local governments." All children are required to attend school. Therefore the segregation of children in public schools has a much greater effect upon society than it did in the nineteenth century. Black children who are required to attend segregated schools suffer adverse psychological effects that tend to deprive them of benefits they would receive if they were able to attend integrated schools.

EVALUATION QUESTIONNAIRE

1 - Which of the following statements explains the Court's ruling in the Dred Scott case?

A. Under the Constitution slaves could not be citizens.
B. Slavery was to be prohibited in all new territories.
C. The Thirteenth Amendment ending slavery was unconstitutional.
D. Congress had no constitutional authority to ban slavery in territories like Minnesota.

2 - Which of the following amendments eventually overturned the Dred Scott decision? Explain the purpose of the amendment you selected.

A. The Tenth Amendment
B. The Thirteenth Amendment
C. The Fourteenth Amendment
D. The First Amendment

3 - In the case of Plessy v. Ferguson, did the Court rule for Louisiana or Plessy? Explain.

4 - What is the relationship of the "separate but equal" decision in the case of Brown v. Board of Education (1954) to the decision in Plessy v. Ferguson (1896).

5 - Which Constitutional Amendment was most important for determining the U.S. Supreme Court decision in Brown v. Board of Education? Why?

A. The First Amendment
B. The Eighth Amendment
C. The Fourteenth Amendment
D. The Nineteenth Amendment

CHAPTER V

FEDERALISM

CHAPTER V

FEDERALISM

OVERVIEW

Federalism is a uniquely American political idea that was developed in the Constitutional Convention. Since state sovereignty had failed and nationalism was unacceptable, what better solution than a division of powers between the states and the United States? Political philosophers continued to argue that sovereignty was indivisible, but the United States proved that power could be divided.

This critical feature of United States constitutional government is rarely mentioned, much less discussed, in eighth grade history textbooks. These lessons teach the concept of federalism and provide reinforcement through a variety of pedagogical approaches. Vocabulary, games, anagrams, metaphors and a mnemonic device are all used to help students understand the concept of federalism. All are designed to demonstrate how and why given powers are allocated to one level of government or the other.

The segment on the Nation of Orange demonstrates graphically how governmental functions can be shared. A visual approach is also shown in the Exercise of Power lesson, as slides and pictures of various activities highlight the varied governmental roles. The debate over highway speed limits is used to highlight costs and benefits of positions taken by the two levels of government.

Two judicial landmarks of the development of the power of the central government complete this chapter. The McCulloch v. Maryland decision gives an expansive reading to the delegated powers of Congress and rules that the central government is supreme in its sphere. Gibbons v. Ogden began the expansion of central authority over interstate commerce. In the last half century the commerce clause has become the basis for enormous growth of the economic powers of the United States government.

LISTINGS OF LESSONS IN THIS CHAPTER

V - A. FEDERALISM, THE CONCEPT
V - B. THE NATION OF ORANGE: A SPATIAL ILLUSTRATION OF FEDERALISM
V - C. THE EXERCISE OF POWER: A VISUAL LESSON ON FEDERALISM
V - D. FEDERALISM: HIGHWAY SPEED LIMITS
V - E. EXTENDING THE POWER OF THE NATIONAL GOVERNMENT: McCULLOCH v. MARYLAND
V - F. A CASE STUDY IN FEDERALISM: GIBBONS v. OGDEN

V - A. **FEDERALISM, THE CONCEPT**

OBJECTIVES: In this lesson students will:

1 - learn the name, definition, examples, and non-examples, as well as the critical feature of the concept federalism,

2 - learn a mnemonic phrase as an aid in remembering the definition of federalism,

3 - learn to distinguish examples of federalism from non-examples,

4 - learn some of the history leading to the development of federalism, and

5 - create a federalism metaphor as a means to enhance their retention of the concept and demonstrate their understanding of the concept.

PURPOSE: This lesson is designed to teach an understanding of federalism.

INSTRUCTION

INTRODUCTION

1 - Ask students the question: "How do we know something?" Explain that one way that we can demonstrate that we know something is to be able to name, define, give examples, recognize non-examples, and explain the critical or most essential things which something must have. (See **TEACHER RESOURCES** for an illustration of this principle.)

2 - Tell students that in this lesson they will learn the definition, the critical feature or attribute of FEDERALISM, as well as examples and non-examples of the concept.

3 - Also inform students that at the end of the lesson they will be expected to create a metaphor. (See **TEACHER RESOURCES** for the rationale for using a metaphor and suggestions for introducing the concept at this point in the lesson.)

ADVANCED ORGANIZER

1 - Students and teacher read the paragraph titled: **FEDERALISM, A BASIC FEATURE OF OUR GOVERNMENT.** The purpose of this reading is to set the boundaries of the lesson and to present the general topic to be studied.

2 - Have students unscramble the words in the anagram at the bottom of the page. (See **TEACHER RESOURCES** for the solution.)

TEACHING THE CONTENT

1 - Distribute the handout titled **MNEMONIC DEVICE.** Inform students that this mnemonic summarizes the definition and critical feature of federalism. Have students read the definition and encourage them to ask questions if they do not understand the definition.

2 - Ask students to say the name of the device aloud to each other: **FIAPO - PID* SANG.** Then they should study and discuss what is represented by each letter and symbol in the mnemonic. Finally, from memory, they should fill in the missing words in the sentence listed at the bottom of the mnemonic page. (This requires time; don't rush this process.)

3 - Distribute the page that lists examples of **National Powers, State Powers, Shared Powers** as well as **Non-examples of Federalism.** Have students read these examples. Answer questions they have about these examples. Note that the powers of the national government are located in ARTICLE I, Section 8 of the Constitution. State powers derive from Amendment X and authority resulting from individual state constitutions.

4 - Distribute sets of colored papers to students; national government should be one color, state government a different color, and shared powers a third color. (Xerox enough copies to provide each student with a set of three papers.)

5 - Use these sets of papers to play the POWER GAME. The game may be played in a variety of ways, but the basic idea is that different examples of state, national or shared powers are read out loud by the teacher. The students raise the paper that has the appropriate color. The game can be varied, using individuals or teams as well as having students call out examples to their peers.

6 - Ask students if they recall how a person can recognize when federalism is involved. They should respond by naming the critical feature in the mnemonic: FIAPO - PID* SANG.

7 - Distribute the handout titled: **LEARNING THE HISTORY OF FEDERALISM.** Have the class read this history together. Ask students, working in groups, to write the summary sentences requested at the end of the reading.

8 - Ask a spokesperson for each group to write their sentences on the board. Be certain that they recognize that Step 3 federalism (where the national government and the state governments both have separate powers) is a combination of Step 1, a unitary system (where the central government has final authority on all issues) and Step 2, a confederation government (where the local units have final authority on all issues).

9 - Distribute the instruction sheet for **CREATING A FEDERALISM METAPHOR.** Ask students, either individually or in groups, to write a federalism metaphor.

10 - Have students share their metaphors with the class.

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** handout.

FEDERALISM, A BASIC FEATURE OF OUR GOVERNMENT

Look at some of the coins which we use in our country. You will see that all of our coins are United States coins. Sad as it may seem, there are no California coins or ________________ (your state) coins! But if you look at your birth certificate, you will see that it was provided under the laws of the state in which you were born. There are many things which are done by our national government, and others which are done by our state government. Of course there are also some governmental activities which are done by both our national and state governments. The purpose of our work today is to learn about federalism, one of the basic features of our government. Federalism is an idea or concept, a principle of organizing government activities so that power is divided between the national and the state governments.

ANAGRAM

The words in the sentence below are mixed up. Can you put them in the correct order so that they make sense?

features is our of one government. the Federalism of basic

MNEMONIC DEVICE

FIAPO - PID* SANG

F = Federalism

I = is

A = a

P = principle

O = of organization

- = in which

P = power

I = is

D = divided

***** = between the

S = state

A = and

N = national

G = governments

The following sentence has some words missing. See if you can make the sentence complete by filling in the missing words.

Federalism is a ______________ of ______________ in which ______________ is ______________ between the ______________ and ______________ governments.

National Powers

1. Coining money and regulating its value.

2. Setting standards of weights and measures. For example, size of gallon, length of a foot.

3. Creating and organizing an army, navy, and air force.

4. Setting rules for becoming a citizen and rules for who may travel across national boundaries.

5. Declaring war and signing peace treaties.

6. Establishing post offices.

7. Making laws for the entire nation.

8. Regulating interstate commerce.

9. Establishing national taxes such as the income tax or federal excise taxes on certain products.

State Powers

1. Regulating people and property for the welfare of the public. For example, establish marriage laws, health regulations, and laws which set up schools. Also laws for driving and the legal age for adult activities. This also includes the police power to regulate people's behavior in the interest of public safety and welfare.

2. Regulate business and commerce within the state. Makes laws regarding types and kinds of business, rules for safety.

3. Establish the form of state and local city governments. Cities are given permission to conduct local government by the state government.

4. Tax and spend funds for the public welfare and good.

Shared Powers

1. Both have the power to tax and spend funds.

2. Both have the power to provide services to the people.

3. Both have the power to take property for the public good.

Non-examples of Federalism

1. The term of office of the president.

2. Political parties like the Democrats and Republicans.

3. A person accused of a crime is entitled to due process of law.

4. The President appoints a member of the Supreme Court.

State

State

State

State

State

State

State

State

National

National

National

National

National

National

National

National

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

Shared
(concurrent)

LEARNING THE HISTORY OF FEDERALISM

You have been studying the concept of federalism. So far you have learned the definition, some examples and non-examples, and the critical feature. Now we will study some of the history of federalism.

Federalism did not just happen. It came into existence over a long period of time. We will study three important steps which led to the development of federalism in the United States.

STEP 1: GOVERNMENT UNDER THE KING AND PARLIAMENT

The relations between the English government and the thirteen colonies which later formed the United States got the people used to a "federal" type of government; the English government took care of national defense and foreign affairs, and the colonies took care of domestic matters. However the government was a unitary system because the King and Parliament had the authority to order the colonies to take the actions they wanted them to take.

STEP 2: GOVERNMENT AFTER THE DECLARATION OF INDEPENDENCE

When the colonies won independence, they came together under the Articles of Confederation. The colonies became states. In this new government the states had the final authority to make decisions; they decided how much power would be given to the national government. Even though the government was based on state sovereignty, Article IX of the Articles of Confederation delegated to Congress some of the powers which the British Empire had exercised in the colonial period, such as diplomacy and waging war.

STEP 3: GOVERNMENT UNDER THE CONSTITUTION

The delegates to the Constitutional Convention voted to change the confederation plan of government to a federal plan. Under the new Constitution the principle of federalism was established as a basic and important principle of organization in our government. This plan gave the national government some powers, the state governments some powers, and the national government and the state governments shared some powers. This plan represented a new political idea that had not been used before by any other government. Article I, Section 8 granted to Congress the external powers which had existed in the Articles of

Confederation (Section IX) as well as crucial new powers such as regulation of commerce and taxation.

These steps occurred over a long period of time. The principle of federalism came into existence not so much as a deliberate choice but as the result of experience and the work and thoughts of many different people. The concept of federalism has undergone change as each generation of Americans faced new tensions and problems. Yet the principle of federalism still remains a basic feature of our government.

EXERCISE

The history of federalism is important. One way that you can show that you understand this reading is to give a name to each of the steps in the history of federalism. Reread each step. Ask yourself: **"What is the main idea in this step?"** Then write a title which you think expresses the big idea for that step.

STEP 1: ____

____

STEP 2: ____

____

STEP 3: ____

____

CREATING A FEDERALISM METAPHOR

You have learned many things about federalism, but what does it all mean? What is federalism? You will now have an opportunity to demonstrate your understanding of federalism by creating a metaphor which illustrates the concept.

When creating a metaphor, you will transfer the ordinary meaning of the term federalism to something that you say federalism resembles. For example, you might say that "Federalism is a school." This is the case because the teacher and the principal both make decisions about what is to happen in the classroom, but sometimes the principal can overrule the teacher.

A metaphor allows you to express ideas and understandings in surprising and delightful ways. It is suggested that you follow these steps in creating your metaphor:

1 - Brainstorm a list of ideas (Federalism is. . . [animals, machines, land shapes, plants, liquids, etc.]) that you think express or tell about federalism.

2 - Pick one idea from your list as the basis for your metaphor. Then state that: Federalism is . . . (the name of your idea).

3 - Write an explanation which tells why you think you have a good metaphor for federalism.

4 - You may wish to draw a picture that illustrates your metaphor.

5 - Check to see that your explanation is consistent with the meaning of federalism which we have learned.

TEACHER RESOURCES

INTRODUCTION - Step 1

One example that may be used to illustrate the idea of concept attainment is to point to a chair. Ask students, "What is this?" They will respond, "A chair." (This is the name of the concept.)

Ask them, "What are the critical, essential parts of a chair?" They will respond, "legs, seat, back." (These are the critical parts.) (Remember that with only legs and a seat, but without a back you would only have a stool, not a chair.)

Ask them, "What is a non-example of a chair?" They might respond, "A picture, car, apple, etc."

Ask them, "Why is your choice a non-example of a chair?" They will respond, "Because it does not have a seat, legs and back." (These are the critical features that make a chair a chair.)

INTRODUCTION - Step 3

The purpose of having the students create a metaphor is to check their understanding of the concept of federalism. If a student can create a metaphor, then it is very likely that the student has developed some genuine understanding of the concept of federalism. However, students need to be introduced to the metaphor assignment in advance so they will be prepared to create a metaphor at the end of the lesson.

You might introduce the idea of a metaphor by using the following example: "Teachers are giraffes. They need to keep their heads up high to be on the lookout for problems."

SOLUTION TO THE ANAGRAM

Federalism is one of the basic features of our government.

LESSON EVALUATION

1 - WHAT IS THE CONCEPT THAT WE STUDIED IN THIS LESSON?

Federalism is the concept that we studied in this lesson.

2 - WHAT IS THE CRITICAL FEATURE OF THE CONCEPT THAT WE STUDIED IN THIS LESSON?

Federalism is a principle of organization in which power is divided between the state and national governments. **FIAPO-PID* SANG**

3 - PROVIDE AN EXAMPLE OF THE CRITICAL FEATURE OF THE CONCEPT.

The national government has the power to declare war and make laws for the entire nation while the state governments establish marriage laws and laws for driving vehicles. Both governments can tax the people.

4 - PROVIDE A NON-EXAMPLE OF the CONCEPT STUDIED IN THIS LESSON.

The president holds office for a period of four years, or the Articles of Confederation provided for state sovereignty.

V - B. **THE NATION OF ORANGE: A SPATIAL ILLUSTRATION OF FEDERALISM**

OBJECTIVES: Through the use of a diagram students will learn that:

1 - the state governments are physically closer to the people than the national government,

2 - the national government functions as the protector of the people from threats that come from other nations.

PURPOSE: In this lesson students will learn that, although the national and state governments both govern people directly, the two governments may respond differently to requests made by the people.

INSTRUCTION

INTRODUCTION

1 - Place the word "FEDERALISM" on the board. Ask students to identify the critical feature of federalism (How do you know it when you see it?) Have students recall FIAPO - PID* SANG.

2 - Inform students that they will study a diagram representing federalism which will help them to visualize how the state and federal governments work together to govern the same people.

TEACHING THE CONTENT

1 - Distribute the **NATION OF ORANGE** diagram. Have students note the symbols in the diagram. Ask them to explain what the symbols mean.

2 - Distribute the Nation of Orange **QUESTIONNAIRE**. Have students answer the questions (use group work).

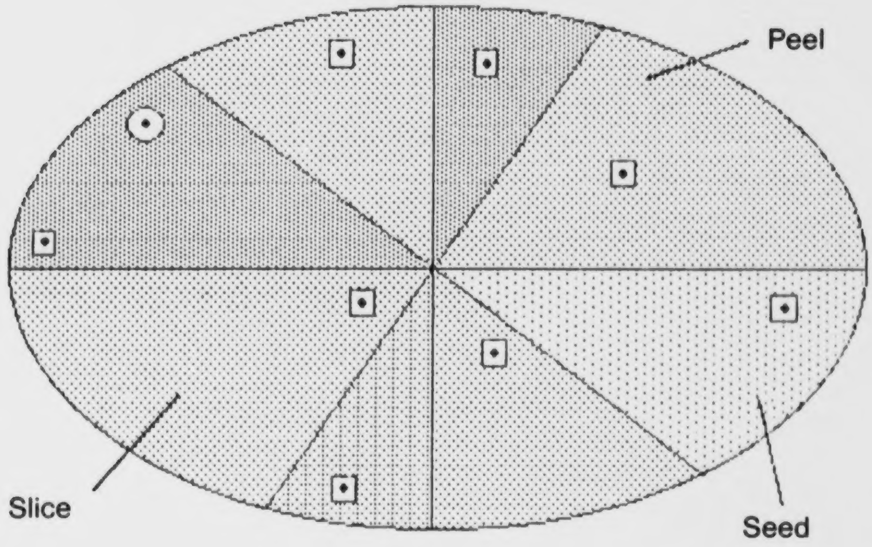
3 - Call on spokespersons from the groups to report their answers to the questions. (See **TEACHER RESOURCES** for suggested points to emphasize.)

CLOSING THE LESSON

Individual students are to construct an anagram concerning what they believe to be the most important point in the lesson.

Collect the anagrams and redistribute them. Ask students to solve them.

THE NATION OF ORANGE


Peel
Slice
Seed

⊡ = State Capital

⊙ = National Capital

▨ = People

QUESTIONNAIRE

The Nation of Orange

Refer to THE NATION OF ORANGE diagram and answer the following questions:

1 - How many states are in the Nation of Orange?

2 - TRUE or FALSE: The state of SLICE is part of the Nation of Orange.

3 - Do most of the people in Orange live closer to their state capitals or the national capital?

4 - For the people of Seed, which government would be easier for most people to reach--national or state? Why?

5 - Which government would probably hear Slicians' complaints quicker and act on them--national or state? Why?

6 - Which government could the Slicians change sooner--national or state? Why?

7 - Which government should make decisions about schools in Peel? Why?

8 - Which government should be in charge of protecting Orange from another nation named Lemon? Why?

9 - Which government should protect Slice from criminals inside Slice? Why?

TEACHER RESOURCES

Following are suggested responses to the QUESTIONNAIRE exercise:

1 - There are eight states.

2 - TRUE.

3 - Most of the people live closer to their state capital.

4 - The government which is geographically closer to the people would normally be easier for them to reach.

5 - Normally the state government would be more receptive to the needs of the people within a state than would the national government which must take the needs of people from all states into consideration. In other instances, however, the national government may be more responsive to the needs of a minority within a state that is not being treated fairly by the majority within that state.

6 - Normally the state government would be quicker to change for the same reason stated in number five above. This would be true if a clear majority position on a particular issue is present within the state.

7 - Perhaps there may be some need for national involvement to establish minimum standards, but again the state government may be the most appropriate level to decide how much money is spent on schools, etc.

8 - One of the benefits of federalism is that the national government can more easily protect the member states from a threat from an outside force.

9 - In the United States some uniform minimum standards for dealing with those who are accused of a crime are established at the national level, but the states are permitted to determine what is considered a crime in their own area.

V - C. **THE EXERCISE OF POWER**
A Visual Lesson on Federalism

OBJECTIVES: Students will:

1 - identify, from among a group of pictures, those which represent POWERS granted to the national, state, or both governments, and

2 - recognize the constitutional bases that authorize this use of POWER.

PURPOSE: This lesson will illustrate how federalism functions in the United States and the constitutional sources of authority for national and state governmental use of power.

INSTRUCTION

INTRODUCTION

1 - Ask students to bring a picture to class (from a magazine, newspaper, or other source) that illustrates a POWER that belongs either to the national government or the state government, or that can be exercised by both levels of government.

2 - Inform students they will be asked to identify the source of governmental POWER (national, state, or both) that is illustrated in a series of pictures or illustrations.

TEACHING THE CONTENT

1 - Ask several students to show their pictures to the class; then have them explain which level of government is able to exercise the POWER that is illustrated in the picture.

2 - Distribute the **STUDENT WORKSHEET**. Explain that they will be shown pictures (or read descriptions of activities) that illustrate POWERS exercised by either the national or state governments, or both of them. In the first two columns are the pictures to be shown (or a description of the example) and the kind of POWER that is illustrated. Their assignment is to provide the information needed to complete columns three and four. They will identify the level of government that exercises the POWER and the clause in the Constitution that authorizes that government to use the POWER.

3 - Show slides or pictures projected on an overhead (or if these are not available, merely have students read the descriptions in columns 1 and 2) that represent POWERS listed on the **STUDENT WORKSHEET.**

4 - Have students, working in groups, provide the information requested in columns three and four of the **STUDENT WORKSHEET.** Inform them that the source of authority for the use of national government POWER should be found in ARTICLE I, Section 8 of the Constitution. They may find the source of state POWER in Amendment X. (In practice this means that Amendment X allows the people in each state to exercise the power by including a provision in the state constitution or by passing a law.)

5 - Ask spokespersons from the groups to report the answers they found. (See **TEACHER RESOURCES** for answers.)

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION.**

SLIDE PRESENTATION FORMAT AND STUDENT WORKSHEET

SLIDE CONTENT	EXAMPLES OF POWER	POWER REPRESENTED*	CONSTITUTIONAL REFERENCE
1. U.S. Mint	make money		
2. Local schools	create & maintain schools		
3. Tax forms	tax & spend money		
4. Students at lunch	provide free lunches		
5. Soldiers at parade	maintain U.S. armed forces		
6. Soldiers in combat	declare war		
7. Men building roads	maintain Interstate Highways		
8. Policemen	provide police protection		
9. Couple gets married	granting marriage license		
10. Mail truck	provide postal service		
11. City officials	election of officials		
12. Grand Canyon	maintain National Parks		
13. Cleaning streets	maintain city streets		
14. Teacher in classroom	licensing of teachers		
15. Highway Patrol car	regulates speed highways		
16. American passport	issues passports		
17. U.S. Border Patrol	halts illegal aliens		
18. Naval ships	maintain a navy		
19. Fire trucks	maintain fire departments		
20. Space shuttle	maintain space agency		

*Write in "National," "State," or "Both" (Shared) Power.

TEACHER RESOURCES

Key to answers for columns three and four on the **STUDENT WORKSHEET.**

COLUMN THREE	COLUMN FOUR
1 - national	ARTICLE I, Section 8, Clause 5
2 - state	Amendment X
3 - both	ARTICLE I, Section 8, Clause 1
4 - both	Amendment X
5 - national	ARTICLE I, Section 8, Clause 12
6 - national	ARTICLE I, Section 8, Clause 11
7 - state	Amendment X
8 - state	Amendment X
9 - state	Amendment X
10 - national	ARTICLE I, Section 8, Clause 7
11 - state	Amendment X
12 - national	ARTICLE I, Section 8, Clause 18
13 - state	Amendment X
14 - state	Amendment X
15 - state	Amendment X
16 - national	ARTICLE I, Section 8, Clause 4
17 - national	ARTICLE I, Section 8, Clause 4
18 - national	ARTICLE I, Section 8, Clause 13
19 - state	Amendment X
20 - national	ARTICLE I, Section 8, Clause 18

LESSON EVALUATION

1 - Give two examples of POWERS that are exercised by the national government in the United States.

2 - Give two examples of POWERS that are exercised by the state governments in the United States.

3 - Give two examples of POWERS that are exercised by both the national government and the state governments in the United States.

4 - Explain the source of authority for these governments to exercise these POWERS in the United States (use specific examples from the Constitution to support your answer).

V - D. **HIGHWAY SPEED LIMITS**

OBJECTIVES: Students will:

1 - recognize that the highway speed limit issue is a problem in federalism,
2 - express orally and in writing the "pro" and "con" positions of the national government regulating highway speed limits, and
3 - evaluate the "costs" and "benefits" associated with national governmental regulation of highway speed limits.

PURPOSE: Students will learn to formulate arguments for and against an issue and understand the costs and benefits that are associated with national governmental regulation of highway speed limits.

INSTRUCTION

INTRODUCTION

1 - Write the word FEDERALISM on the board. Ask students to recall the critical feature of this concept. FIAPO-PID*SANG

2 - Write the question, "WHO SHOULD DETERMINE HIGHWAY SPEED LIMITS?" on the board. Ask students how this issue is related to federalism. Do not evaluate their answers; merely allow students to offer an answer. After all have responded, tell the students that this lesson will help them to understand how the highway speed limit issue is a problem in federalism.

TEACHING THE CONTENT

1 - Place diagram "A" on the board. (See **TEACHER RESOURCES** for the diagram.)

2 - Ask students to vote on the question. Tally the responses on the board.

3 - Ask students who voted "YES" to give reasons for their choice; do the same for those who voted "NO." Write their reasons under the appropriate column in diagram "A."

4 - Discuss the terms "COST" and "BENEFIT." (See **TEACHER RESOURCES** for suggestions.)

5 - Ask students to vote again on this issue. If students change their vote, ask them to explain what reason(s) related to costs and benefits convinced them to change their position.

6 - Write diagram "B" on the board. Repeat steps 2, 3 and 5 above for this diagram.

7 - Write diagram "C" on the board. Repeat steps 2, 3 and 5 above for this diagram.

8 - Review the sequence of ideas from diagram "A" to diagram "C." (See **TEACHER RESOURCES** for a discussion of the two ideas that might be emphasized.)

CLOSING THE LESSON

Have students write a position paper. They are to choose a position in relation to the question presented in diagram "C" and answer it using reasons to support their position.

The paper must have the following elements:

1 - The question must be stated,
2 - The position taken (answer) on the question must be stated, and
3 - At least three (3) reasons or explanations for the answer must be given.

TEACHER RESOURCES

TEACHING THE CONTENT - Steps 1, 6 and 7

HIGHWAY SPEED LIMITS

Diagram "A"

Should highway speed limits be set at 55 mph?

YES (Benefit)	NO (Cost)

Diagram "B"

Should the national government be the level of government that determines speed limits?

YES (Benefit)	NO (Cost)

Diagram "C"

Should the national government set the highway speed limit at 55 mph?

YES (Benefit)	NO (Cost)

TEACHING THE CONTENT - Step 4

"Costs" refer to the disadvantages associated with setting the speed limit at 55 mph. Students should try to determine the ways in which this speed limit would present a problem or be a disadvantage for someone.

"Benefits" refer to the advantages to be gained when setting the speed limit at 55 mph. Students should identify ways that this speed limit would be helpful to someone.

Inform students that this tool of analysis can be helpful to them when making decisions. They can list the costs and benefits of a particular decision and better see which course of action would be preferred.

Of course we go through these calculations in a less systematic way many times each day as we decide what to eat, what entertainment to enjoy, with whom we will visit, etc.

TEACHING THE CONTENT - Step 8

Some students may believe that the speed limit should be set at 55 mph but they may also feel that the state government, not the national government, should be the level of government that determines speed limits. Other students may believe that the national government should set highway speed limits but they may feel that the speed limit should be higher than 55 mph. Thus, students should recognize that two issues are involved; one, the determination of which level of government should set highway speed limits, is clearly an issue of federalism. The other, a question of how fast the speed limit should be, is influenced and in some cases determined by which level of government has authority to establish the speed limit.

V - E. **EXTENDING THE POWER OF THE NATIONAL GOVERNMENT**
McCulloch v. Maryland (1819)

OBJECTIVES: Students will be able to:

1 - cite the U.S. Supreme Court decision which defined the meaning of the necessary and proper clause of the Constitution,

2 - explain why McCulloch v. Maryland is an example of federalism,

3 - write a case decision based on the information presented in class concerning McCulloch v. Maryland, and

4 - provide specific reasons justifying the outcome of their case decision.

PURPOSE: This lesson will show how the vague wording of the Constitution can lead to controversy concerning whether the national government was given authority to establish a national bank and how Chief Justice John Marshall interpreted this clause to extend the power of the national government.

INSTRUCTION

INTRODUCTION

1 - Write the word FEDERALISM on the board. As students to recall the critical feature expressed by this concept: FIAPO-PID*SANG

2 - Explain to students that the division of POWER between the national and the state governments is not always easily identifiable because parts of the Constitution are written in a vague or general manner. In this lesson they will examine the meaning of ARTICLE I, Section 8, Clause 18 (the elastic clause) of the Constitution.

TEACHING THE CONTENT

1 - Distribute the McCulloch v. Maryland **BACKGROUND** sheet. Tell students that this information concerns a very important U.S. Supreme Court case that involves the amount of POWER that can be exercised by the U.S. Congress.

2 - Have students read the BACKGROUND material - PART I.

3 - Distribute the McCulloch v. Maryland **WORKSHEET.** Ask students, working in groups, to write answers to questions 1, 2 and 3.

4 - Have representatives from the groups report the answers they have written.

5 - Have students read BACKGROUND - PART II. Then have the groups write answers to question 4 on the **WORKSHEET.**

6 - Discuss the answers provided to this question. Be certain that they recognize the two main issues (see **TEACHERS RESOURCES**).

7 - Have each group provide an answer to question 5 on the **WORKSHEET.** The answer should be written as the majority of the group believes it should be decided.

8 - Ask the group representatives to share their answers.

9 - Provide an explanation of the U.S. Supreme Court decision (see **TEACHER RESOURCES**).

CLOSING THE LESSON

Answer the **LESSON EVALUATION** questions.

BACKGROUND

McCulloch v. Maryland (1819)

PART I

McCulloch v. Maryland is a very important Supreme Court case which helped to define the division of power between the central government and the state governments. The Constitution established a government of divided powers, but this case helped to establish how the power is divided.

For a bank to exist in the 1800's, it needed a charter, which is a document that gives the bank permission to do business. This charter could come from two places--the Congress of the United States or the state government in the state in which the bank wanted to do business. A bank that got a state charter could only do business in that state. A bank that got a charter from Congress could do business in any state because the charter was from the federal government. However, Congress granted a charter to one bank only, the Second Bank of the United States. The primary reason that the Second Bank got the charter was that a national bank could make sure that the currency or money supply of the United States was handled properly.

The Second National Bank was very unpopular in many of the states. Maryland passed a law that all banks that did not have state charters would have to pay a high tax to do business in the state of Maryland. At the time, the Second Bank of the United States was the only bank in Maryland which was not chartered by the state. McCulloch, a cashier for the Second Bank of the United States, refused to pay the tax. Maryland sued McCulloch and won in the Maryland state court system.

PART II

Bank officials appealed to the Supreme Court. They said that the state tax interfered with the constitutional right that the bank had to operate, since its charter was from the federal government. Maryland, in turn, argued that Congress did not have the power to charter the bank.

Maryland felt they had the upper hand because the Constitution did not expressly give Congress permission to charter a national bank. But, the Constitution did grant Congress the right to "make all laws necessary and proper for carrying into execution the foregoing powers" in Article I, Section 8. This "necessary and proper" clause is the key to the decision.

By "necessary and proper" did the Constitution mean that Congress had power only to do those few things absolutely necessary to carry out its listed or delegated powers? Or did it mean that Congress had the power to do what was reasonable and proper (such as chartering a national bank), even if it was not specifically authorized by the Constitution, so long as it was done to carry out such delegated powers as taxing, spending money, borrowing money and financing an army and navy?

Besides this, did the states have the right to tax the national bank? Which was supreme, national law or state law?

WORKSHEET

McCulloch v. Maryland (1819)

1 - What is a bank charter?

2 - A bank charter could come from two places. They are: ____________ and ____________

3 - What was the decision when the case was tried in the Maryland State Court system?

4 - What were the two main issues when the case was presented to the U.S. Supreme Court?

5 - If you were one of the Supreme Court Justices, how would you decide these issues? How would you explain your decision?

TEACHER RESOURCES

TEACHING THE CONTENT - Step 6

The two major issues in the case are: (1) does Congress have the power from the Constitution to write a law providing for the establishment of the national bank, and (2) if Congress has the power, does the Constitution give Maryland the right to tax the bank?

TEACHING THE CONTENT - Step 9

The Court decided unanimously in favor of the federal government and Congress' power to create a national bank. Chief Justice John Marshall said that because Congress had the power to tax, to spend money, to borrow money, and to finance an Army and Navy, the power granted by the "necessary and proper" clause also gave Congress the implied power to establish a national bank (ARTICLE I, Section 8, Clause 18).

The Court also said that states could not tax the bank. Marshall felt this would set a precedent that would permit states to interfere with national supremacy (ARTICLE VI, Clause 2). He ruled that the power to tax includes the power to destroy.

Two important constitutional principles were established in McCulloch v. Maryland:

A. The Implied Powers Doctrine

The necessary and proper clause provided Congress with a wide range of choices in carrying out the delegated powers. In effect, the decision gave Congress the power to do whatever was reasonable and proper to carry out its delegated powers: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

B. National Supremacy

States cannot interfere with the constitutional operations of the national government. In the words of John Marshall: "The government of the United States then, though limited in its powers, is supreme; and its laws, when made in pursuance of the Constitution, form the supreme law of the land, 'anything in the constitution or laws of any state to the contrary notwithstanding.'"

LESSON EVALUATION

1 - What is the name of the U.S. Supreme Court decision that we studied in this lesson?

2 - To whom did Congress grant a bank charter?

3 - What law was passed by the Maryland legislature?

4 - What were the two main issues before the U.S. Supreme Court in this case?

5 - What answers did the U.S. Supreme Court provide to these two main issues in its decision?

6 - What sections of the U.S. Constitution were most important for the U.S. Supreme Court decision in the case we studied in this lesson?

7 - What might have happened if the Supreme Court had ruled in favor of the state of Maryland?

V - F. **A CASE STUDY IN FEDERALISM**
Gibbons v. Ogden (1824)

OBJECTIVES: Students will be able to:

1 - cite the Supreme Court case which established and extended national government control in the area of regulating commerce,

2 - explain how Gibbons v. Ogden (1824) qualifies as an example of federalism,

3 - write a case decision based on the information presented in class on Gibbons v. Ogden, and

4 - give specific reasons justifying the outcome of their case decision.

PURPOSE: This lesson will show how the Supreme Court case of Gibbons v. Ogden illustrates the principle of federalism and how the wording of the Constitution can lead to controversy and multiple interpretations.

INSTRUCTIONS

INTRODUCTION

1 - Write the word FEDERALISM on the board. Ask students to recall the critical feature of this concept: FIAPO-PID*SANG

2 - Explain to students that the division of POWER between the national and state governments is not always easily identifiable because parts of the Constitution are written in a vague or general manner. Point out that these areas are often left open to interpretation by the United States Supreme Court. Tell students that in this lesson they will have a chance to act in the role of a Justice of the United States Supreme Court and decide an important question concerning the authority of the national and state governments.

TEACHING THE CONTENT

1 - Distribute the Gibbons v. Ogden **INTRODUCTION** sheet. Tell students that this introduction tells about the situation in an important case that came before the United States Supreme Court concerning the subject of COMMERCE. Have students read the **INTRODUCTION.**

2 - Ask students, working in groups, to identify the problem. Write their responses on the board. (See **TEACHER RESOURCES** for the strategy employed in this lesson.)

3 - Ask students to identify the major issue (question) that needs to be answered in this case. Write their answers on the board but do not indicate at this time whether they are correct.

4 - Have students read ARTICLE I, Section 8, Clause 3 of the Constitution. Then ask them to define COMMERCE. Again do not elaborate on the meaning of the term at this time.

5 - Distribute the Gibbons v. Ogden **WORKSHEET**. Have students read Section A of the **WORKSHEET** where three important issues in the case are presented. Compare these issues with those listed on the board.

6 - Distribute the Gibbons v. Ogden **ARGUMENTS** handout. Have students read these arguments.

7 - Ask the groups to complete Section B of the **WORKSHEET.**

8 - Have the spokesperson from each group read their decision to the class.

9 - Tell students what the United States Supreme Court decided. (See **TEACHER RESOURCES.**)

10 - Ask students again to define the term COMMERCE. Has their idea of the meaning of this term changed as a result of this lesson?

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** form.

INTRODUCTION

The Framers of the Constitution established a federal system of government where powers were divided between the national and state governments. The exact nature of these powers was unclear, since the Framers sometimes wrote in a vague or general manner.

As a consequence of the broadly stated provisions of the Constitution there were strong differences of opinion regarding the exact meaning of the Constitution. Many times these differences led to power struggles. These struggles took the form of law suits which wound their way through the court system and were finally decided by the Supreme Court. In these power struggles between the national and the state governments, the Supreme Court acts as the final judge and interpreter of the Constitution.

An important example of this federalism struggle for power was the case of Gibbons v. Ogden.

Gibbons v. Ogden (1824)

In the early years of the 20th Century, Robert Fulton, the inventor of the steamboat, was given a license by the New York legislature to use his boat in New York. The legislature said that no one else would have the right to operate steamboats on New York rivers. Fulton then sold the right to operate a ferry boat between New York City and New Jersey to a man named Aaron Ogden.

About the same time, Thomas Gibbons obtained a license from the U.S. Congress to run steamships between New York and New Jersey.

Ogden did not like the competition provided by Gibbons' boat and asked the New York courts to order Gibbons to stop his business. The New York court decided in Ogden's favor.

Gibbons felt that the Constitution granted Congress the power to regulate commerce so he appealed the decision to the U.S. Supreme Court.

WORKSHEET

Gibbons v. Ogden (1824)

Section A

Three important constitutional issues in this case are: (1) What does commerce mean? (Does it include navigation?); (2) If it includes navigation, does Congress have the power to regulate it under the Commerce Clause (ARTICLE I, Section 8, Clause 3)?; and (3) Do states have the power to regulate interstate commerce contrary to federal laws?

Section B

You are now the Chief Justice of the United States Supreme Court. You have read about the facts and the arguments in the case. Your job is to decide which side has the stronger argument. Which person has the most reasonable support for his conclusions? Write a paragraph that presents the reasons for your decision.

ARGUMENTS

Gibbons v. Ogden (1824)

Listed below you will find important information which can help you decide whether Mr. Gibbons or Mr. Ogden has the stronger argument.

Arguments for **Mr. Ogden:**

1 - The national government has only those powers which are delegated to it by the Constitution.

2 - The powers of the central government should be interpreted narrowly.

3 - Congress has no delegated power to regulate intrastate commerce. A steamboat monopoly on the Hudson River between New York and New Jersey is not "Commerce with foreign Nations, and among the several States, and with the Indian Tribes" (ARTICLE I, Section 8, Clause 3).

4 - States had for years regulated their commerce, so even if Congress does have some authority it is a concurrent power, not an exclusive power.

5 - Regulation of commerce is not prohibited in the section of the Constitution which limits the states (ARTICLE I, Section 10).

6 - Commerce means the trading and transporting of goods, not the transporting of people.

Arguments for **Mr. Gibbons**

1 - ARTICLE I, Section 8, Clause 3 gives Congress the power to regulate commerce "among the several States."

2 - The power of the central government should be interpreted broadly.

3 - The states cannot regulate commerce because this power is delegated to Congress.

4 - The New York law which gives Mr. Ogden the exclusive right to operate steamboats between New York and New Jersey is invalid because it conflicts with the Coasting Act which was approved by Congress.

5 - Mr. Gibbons is operating steamboats under the authority of the federal Coasting Act.

6 - Commerce is not just the buying and selling of goods. It is the transporting of people, as well as the trading and transporting of goods.

7 - Interstate commerce (trade "among the several States") does not stop at a state's border. It extends from the beginning to the end of the transaction.

TEACHER RESOURCES

TEACHING THE CONTENT - Step 2

The following sequential teaching strategy is employed in this lesson. The student effort is initially directed toward defining the issue. Next students are asked to identify the arguments on both sides of the issue. Then they are to compare the arguments, judge their strengths and finally, based upon this analysis, reach a conclusion.

TEACHING THE CONTENT - Step 9

The U.S. Supreme Court ruled in favor of Gibbons. Chief Justice John Marshall stated that commerce includes navigation as well as buying and selling. If two or more states are involved, said Marshall, then Congress has the right to regulate the commerce. Furthermore, when a state law conflicts with a law passed by Congress, the state law must yield to the Congressional statute (see ARTICLE VI of the Constitution, the Supremacy Clause).

LESSON EVALUATION - Question 3

This decision removed the steamship business and most of interstate commerce from regulation by state-authorized monopolies. The decision also paved the way for the national regulation of the economy that occurred many years later.

It should be noted that the Court did not then decide the issue of whether states could regulate areas of commerce where the Congress did not exercise authority. Many decisions in future years concerned this subject.

SUMMARY:

We see from this case that the Constitution includes provisions which are broadly stated and require interpretation. Problems of interpretation often arise from ordinary, everyday events such as whose business has the right to do a particular job. These differences are settled according to the precedents and rules of law established by the courts. It is interesting that cases involving a specific issue (shipping) may set a precedent with great consequences in other areas (railroads, airplanes) in the future.

LESSON EVALUATION

1 - Tell how the case of Gibbons v. Ogden concerned the issue of federalism.

2 - Do you think this decision would encourage more goods to be transported by boats from one state to another? Explain.

3 - Because decisions made at an earlier time by the United States Supreme Court are used to decide other cases that are brought to them at a later date (this is called precedent), how might this decision affect the power of the states versus the national government in the years following the decision in Gibbons v. Ogden?

CHAPTER VI

SEPARATION OF POWERS

CHAPTER VI

SEPARATION OF POWERS

OVERVIEW

The lessons in this chapter demonstrate the reasons for separation of powers between legislative, executive and judicial branches of the government and the way the system works. Segments on checks and balances then show that no branch is supreme even in its own sphere: both executive and judiciary set limits on legislation, the legislature and executive have ways of impeding executive action, and the executive and legislature in turn limit the judiciary.

The role of each branch of government is illustrated in the lesson on a bill becoming a law, even though that is primarily a legislative function. (The lesson on judicial review, lesson IV -D, shows the Supreme Court carving out a role for itself in limiting Congress' legislative power, to assure that laws are in accord with the Constitution.)

In the lessons that follow, students learn how separation of powers and checks and balances work in the Twentieth Century. A contemporary newspaper article shows how the Senate and President interact in judicial appointments. In the lesson on impeachment, Congress is shown exercising its ultimate restraint on the executive, a sanction that would apply to the judiciary as well. The Youngstown case shows the judiciary acting as a referee between the authorities of Congress and the President. Finally, in the war powers lesson we see the President at his peak of power, as the legislature and judiciary retreat in time of crisis.

LISTINGS OF LESSONS IN THIS CHAPTER

VI - A. SEPARATION OF POWERS, THE CONCEPT
VI - B. CHECKS AND BALANCES
VI - C. HOW A BILL BECOMES A LAW
VI - D. AN ILLUSTRATION USING A CURRENT EVENT
VI - E. THE IMPEACHMENT PROCESS
VI - F. THE STEEL MILL SEIZURE CASE (1952)
VI - G. THE PRESIDENT'S WAR POWERS

VI - A. **SEPARATION OF POWERS, THE CONCEPT**

OBJECTIVE: In this lesson students will learn that

1 - Congress, the law making body, is composed of the Senate and the House of Representatives; these officials represent the people in the states that elect them,

2 - the President's role is to govern or administer the country and to serve as the chief representative of the country in foreign affairs, and

3 - the Supreme Court is a co-equal branch with the President and Congress, the highest authority in the nation's court system, and the main interpreter of the Constitution.

PURPOSE: This lesson is designed to teach students (1) the main functions assigned to the legislative, executive and judicial branches of government and (2) the realization that the framers of the Constitution placed these powers in separate branches so that no one of them would become too powerful.

INSTRUCTION

INTRODUCTION

If students are to understand fully what the separation of powers concept represents, they need to comprehend the concepts of law, government, AND constitution. Law is the common denominator of the three branches of government; the legislature makes the law, the executive enforces the law and the judiciary resolves disputes based upon the law and the Constitution (the basic law).

Inform the students that the framers of the Constitution wanted to be sure that the power of government was separated into different parts so that no one person or branch of government would become too powerful. In this lesson we will identify those parts and examine the main job that the Constitution assigns to each part.

TEACHING THE CONTENT

1 - Begin instruction regarding separation of powers with an examination of the branch that is given primary responsibility for lawmaking -- the Congress. Initially, ask "What is the Congress?" and "What does Congress do?" (At this point in the lesson do not inform students whether their answers are correct. Tell them you want to know what they believe to be the answers. They will have an opportunity to check the accuracy of their ideas as the lesson is completed.)

2 - Hand out **SEPARATION OF POWERS WORKSHEET and READING 1**. (See **TEACHER RESOURCES** for a discussion of the critical thinking format used in this lesson.)

3 - Have students provide answers for the **WORKSHEET** section on CONGRESS.

4 - Next have the class read and discuss the functions performed by the Congress. Reading Article I, Section 8, Clauses 1,3 and 5 of the Constitution will help students recognize the **lawmaking** function. Article I, Section 2, Clauses 1 and 2 plus Amendment 17 can serve as the text for informing students about the **representational** function of the legislature.

5 - Attention can now move to the executive. Ask, "What does the President do?" Although the President is one of the first officials who is recognized as governmental by young children, they do not move rapidly to an understanding of his duties and responsibilities.

6 - Have students complete the EXECUTIVE branch questions on the **WORKSHEET**.

7 - Have students check their answers by studying **READING 2**. They should read Article II, Section 1, Clause 1 as well as Section 2, Clauses 1 and 3. Discuss their answers to ensure they understand that the President **administers (enforces) the law** and is **the chief representative of the country to other nations**.

8 - Now instruction can move to the judiciary. Begin the discussion by asking, "What do courts do?" Then ask, "What does the Supreme Court do?" Junior High students will be quite familiar with courts and what they do, but less informed about the role of the one court that is specifically created by the Constitution -- the United States Supreme Court.

9 - Have students complete the JUDICIARY section of the **WORKSHEET**.

10 - Have students read Article III, Section 1 and Section 2, Clause 1. (These are found in **READING 2**.) Compare the first three words of Article III with the first three words of Articles I and II. They show that the judiciary is **a co-equal branch** with the legislative and the executive. Section 1 also explains that the Supreme Court is the **highest authority in the national court system**.

11 - Ask students to solve the following anagram. Write the words on the board.

executive government branches. the Under is separated the
Constitution among power of judicial and legislative, the

Solution:

Under the Constitution the power of government is separated among the legislative, executive and judicial branches.

CLOSING THE LESSON

Have students provide answers to the questions included on the **LESSON EVALUATION** form.

SEPARATION OF POWERS
WORKSHEET

CONGRESS

In each of the following pairs of statements, Congress has the power to do only one. CIRCLE the correct answer.

1 - Has the power to lay and collect taxes.
2 - Can officially recognize ambassadors of foreign nations.

Read ARTICLE I, Section 8, Clause 1 in **READING 1** to see if you selected the correct answer.

Now CIRCLE the correct answer for each of the following:

1 - Can enforce the laws.
2 - Has the power to lay and collect taxes.

1 - Officially recognizes ambassadors of foreign nations.
2 - Can regulate commerce with foreign nations and between the states.

1- Can regulate commerce with foreign nations and between the states.
2 - Can command the army and navy.

1 - Can enforce the laws.
2 - Elected by the people of their state.

1 - Can authorize the coining of money and fix the value of it.
2 - Can command the army and navy.

1 - Can enforce the laws.
2 - Can authorize paying of debts and providing for the general welfare.

Which of the following concerning Congress is correct? Incorrect? Place an "X" on the proper line.

	CORRECT	INCORRECT
1 - Elected by the people of their state	______	______
2 - Can enforce the laws	______	______
3 - Can coin money, lay and collect taxes	______	______
4 - Recognizes ambassadors of foreign nations	______	______

Check your answers by examining the list in **READING 1** of those things Congress can do. What title can you use to describe the POWER that is given to Congress?______________________________

EXECUTIVE

In each of the following pairs only one statement that describes the job of the President is correct. CIRCLE the correct answer.

1 - Can lay and collect taxes.
2 - Can enforce the laws.

1 - Recognizes ambassadors of foreign nations.
2 - Can authorize coining of money and regulating its value.

1 - Recognizes ambassadors of foreign nations.
2 - Regulates commerce with foreign nations and between states.

1 - Can authorize coining of money and regulating its value.
2 - Elected for a term of four years.

Which of the following concerning the job of the President is correct? Incorrect? Place an "X" on the proper line.

	CORRECT	INCORRECT
1 - Regulates commerce	________	________
2 - Enforces the laws	________	________
3 - Commands the army and navy	________	________
4 - Elected for a four year term	________	________
5 - Recognizes ambassadors of foreign nations	________	________
6 - Authorizes coining of money and regulating its value	________	________

Study the jobs of the President listed in **READING 2** to determine whether your answers are correct. Then decide what title would describe the jobs done by the President.______________________________

JUDICIARY

In each of the following pairs only one statement that describes the job of the Supreme Court is correct. CIRCLE the correct answer.

1 - Can try all cases arising under the Constitution.
2 - Can recognize ambassadors of foreign nations.

1 - Is the highest court in the national court system.
2 - Can regulate commerce with other nations and between the states.

Which of the following concerning the job of the Supreme Court is correct? Incorrect? Place an "X" on the proper line.

	CORRECT	INCORRECT
1 - Can make the laws	________	________
2 - Is the highest court in the national court system	________	________
3 - Can recognize ambassadors of foreign nations	________	________
4 - Can try all cases arising under the Constitution	________	________

Check your answers by studying ARTICLE III in **READING 2** concerning the Judicial Branch. What title can you use to describe the POWER that is given to the courts?

____

After each of the following powers, write whether the power is performed by the Congress, the President, or the Supreme Court. Only one answer is correct.

1 - Can lay and collect taxes.________________________
2 - Is commander in chief of the army and navy.________________
3 - Regulates commerce with foreign nations and among states.__________________________

4 - Authorizes coining of money and regulating the value of it.____________________
5 - Recognizes ambassadors of foreign nations.________________
6 - Can try cases arising under the Constitution.______________

7 - Enforces the laws.____________________
8 - Can authorize debt payment and provide for the general welfare.______________________
9 - Is the highest court in the national court system. ____________________

10 - Is elected for a term of four years.__________________________

READING 1

ARTICLE I: THE LEGISLATIVE BRANCH

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2, CLAUSE 1. The House of Representatives shall be composed of members chosen every second Year by the People of the several States. . . .

SECTION 2, CLAUSE 2. No Person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

SECTION 8, CLAUSE 1. The Congress shall have Power to lay and collect Taxes. . . to pay the Debts and provide for the common Defence and general Welfare of the United States.

SECTION 8, CLAUSE 3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

SECTION 8, CLAUSE 5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures. . . .

AMENDMENT 17

(Ratified in 1913)

SECTION 1. The Senate of the United States shall be composed of two senators from each state, elected by the people thereof for six years. . . .

READING 2

ARTICLE II: EXECUTIVE BRANCH

SECTION 1, CLAUSE 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the term of four Years. . . .

SECTION 2, CLAUSE 1. The President shall be Commander in Chief of the Army and Navy of the United States. . . .

SECTION 3. [The President] shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed. . . .

ARTICLE III: THE JUDICIAL BRANCH

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . .

SECTION 2, CLAUSE 1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. . . .

TEACHER RESOURCES

The **SEPARATION OF POWERS WORKSHEET** exercises are designed to develop critical thinking skills. They accomplish this objective in the following manner. First, the idea of critical thinking rests on a problem(s) to be solved. To solve the problem, the student must have some information. If only partial information is provided, the student must infer the correct answer from the information available. However, if too much information is provided, it may be stored only briefly and then forgotten. The problem itself should therefore limit the information required for solution. Thus, in these exercises, after the student recognizes one statement as correct, the feedback will provide sufficient clues to all other answers. For example, consider the first pair of responses concerning Congress. The student guesses the answer between (1) the power to lay and collect taxes and (2) the authority to recognize ambassadors of foreign nations. Then the student is encouraged to read the section of the Constitution that will provide the correct answer.

The next exercise builds on the first. It requires the student to use the information gained when answering the first question. This procedure then allows the student to solve all subsequent problems by hypothesizing. The answer to the second set is obvious. If it is known that the Congress has the power to lay and collect taxes, and only one answer is correct, then the Congress does not have the authority to enforce the laws. Now the student has added one more bit of information and has three bits to guide future choices.

The next step is an elaboration of the process. Again the student must deduce the answer, but this time must remember what Congress cannot do as a requirement to solve the problem. This appears easy, but research tells us that it is about four times harder for the person to remember the negative response than to remember the positive response.

The student now has four bits of information, plus the beginning of the construction of two subsets: what Congress can do and what Congress cannot do. Following this format, the student can deduce the answers to a large number of choices, after being given the answer to the first choice. This process fits the hypothesis-testing approach to concept development, since the subject proceeds from a chance (or guess) level of behavior to observing, comparing, hypothesizing, recalling, eliminating, choosing, and organizing small incremental bits of information. Memory plays an important part in retaining the correct as well as the incorrect response. These correct and incorrect responses become organized into subsets of what Congress can and cannot do. When the students read the appropriate section from the Constitution, their mental structure is reinforced and confirmed. Thus the student does not experience overload of information, which is likely to occur if the information is read prior to the mental structuring.

Likewise, the students can derive the powers of the President from what they already know by continuing the same process. Because they know that the power to lay and collect taxes belongs to Congress, it can be eliminated as a job that is performed by the President. Now the new bit of information concerning enforcement of the laws can form a new subset of what the President can do. This new subset has two meanings, what Congress cannot do and what the President can do.

LESSON EVALUATION

1 - WHAT IS THE CONCEPT THAT WE STUDIED IN THIS LESSON?

The concept studied in this lesson is called "Separation of Powers."

2 - DEFINE THE CONCEPT.

Separation of Powers refers to three branches of government, the legislative, the executive, and the judiciary; each branch is assigned its own functions and responsibilities.

3 - GIVE AN EXAMPLE OF THE CONCEPT.

The legislative branch (Congress at the national level) makes the laws; the executive branch (headed by the President) administers the laws (sees that they are followed); and the judiciary (headed by the Supreme Court) interprets the Constitution and thus umpires disputes that arise regarding what the Constitution means.

VI - B. **CHECKS AND BALANCES**

OBJECTIVE: Students will learn that:

1 - The legislative branch has the authority to impeach the President; the Congress can, by a two-thirds vote in each house, override a veto by the President; and the Senate has the responsibility to approve or reject nominations to the national courts that are made by the President, as well as approve treaties by a two-thirds vote;

2 - A congressional action will not become law until approved by the President, and the President nominates new members to the national courts;

3 - The national courts can declare a law of Congress or an action taken by the President to be unconstitutional.

PURPOSE: Students will learn that, in addition to separating the powers of government into three departments (branches), the exercise of power is limited by giving to each branch checks over the activities of the other branches.

INSTRUCTION

INTRODUCTION

Inform students that the Constitution does not grant ALL authority concerning law making to the legislature, ALL executive power to the President, and ALL authority concerning the judiciary to the courts. Instead, a system of checks is established that involves each branch in the operation of the other branches. In this lesson we will study the system of government that is designed to check and to balance the use of governmental power and authority.

TEACHING THE CONTENT

1 - Distribute the **CHECKS AND BALANCES PROBLEM SOLVING** handout.

2 - Have students solve PROBLEM 1.

3 - Hand out **READING 1.** Have students find words that verify their solution to the PROBLEM.

4 - Distribute the **CHECKS AND BALANCES DIAGRAM.** Have students write in the checks that Congress exerts over the courts and the President.

5 - Have students solve PROBLEM 2.

6 - Again have students find words in **READING 1** that verify their solution to the PROBLEM.

7 - Have students complete the Presidential checks row on the **DIAGRAM.**

8 - Have students solve PROBLEM 3.

9 - Ask students to find words in **READING 1** that verify their solution to the PROBLEM.

10 - Have students complete the final row (concerning the courts) on the **DIAGRAM**.

CLOSING THE LESSON

Have students provide answers to the questions included on the **LESSON EVALUATION** form.

CHECKS AND BALANCES
PROBLEM SOLVING

You have three problems to solve. Your first problem is to find out what Congress does to check the power of the President and the courts. You have three trials for each problem. In each trial you will read three sentences. After each group of sentences, you will see a plus (+) or a minus (-) sign. If you see a plus sign (+) that means only one sentence is correct. If you see a minus sign (-) that means that none of the sentences is correct. Use this information to answer the question at the end of the problem.

PROBLEM 1

TRIAL 1 - Congress can:
A - make treaties
B - pass laws over the President's veto by a two-thirds vote
C - appoint ambassadors

This trial is a plus (+).

TRIAL 2 - Congress can:
A - appoint ambassadors
B - appoint judges to the Supreme Court and other federal courts
C - make treaties

This trial is a minus (-). Go back to TRIAL 1 and decide what Congress can do.

TRIAL 3 - Congress (the Senate) can:
A - approve or reject nominations to the courts made by the President
B - appoint judges to the Supreme Court and other federal courts
C - make treaties

This trial is a plus (+).

TRIAL 4 - Congress can:
A - make treaties
B - appoint judges to the Supreme Court and other federal courts
C - vote to impeach the President

This trial is a plus (+).

COMPLETE THIS SENTENCE:

Members of Congress check the power of the President and the courts because they can:

1 - ____

2 - ____, and

3 - ____

PROBLEM 2

Your next problem concerns the checks that the President has on the Congress and on the courts. Again, follow the plus and minus signs after each set of sentences that tell you if one or none of the sentences is correct.

TRIAL 1 - The President can:
 A - veto laws passed by Congress
 B - veto decisions of the Supreme Court
 C - appropriate money

This trial is a plus (+).

TRIAL 2 - The President can:
 A - veto decisions of the Supreme Court
 B - appropriate money
 C - make a treaty all by himself

This trial is a minus (-)

TRIAL 3 - The President can:
 A - veto decisions of the Supreme Court
 B - nominate judges to the Supreme Court
 C - make a treaty all by himself

This trial is a plus (+).

TRIAL 4 - The President can:
 A - veto decisions made by the Supreme Court
 B - propose treaties
 C - make a treaty all by himself

This trial is a plus (+).

COMPLETE THIS SENTENCE:

The President can check the power of Congress and of the Supreme Court because he can:

1 - ______________________________

2 - ______________________________, and

3 - ______________________________

PROBLEM 3

Your last problem concerns the checks that the Supreme Court has on the President and on Congress. As before, sometimes only one answer in each trial is correct and sometimes none of the answers is correct. Follow the plus (+) and minus (-) signs for guidance.

TRIAL 1 - The Supreme Court can:
- A - pass a law over the President's veto
- B - appoint ambassadors
- C - declare a law passed by Congress to be unconstitutional

This trial is a plus (+).

TRIAL 2 - The Supreme Court can:
- A - pass a law over the President's veto
- B - approve of treaties
- C - appoint ambassadors

This trial is a minus (-)

TRIAL 3 - The Supreme Court can:
- A - appoint ambassadors
- B - declare an action taken by the President to be unconstitutional
- C - approve treaties

This trial is a plus (+).

TRIAL 4 - The Supreme Court can:
- A - declare unconstitutional laws and treaties when necessary to dispose of cases and controversies brought before it
- B - pass a law over the President's veto
- C - approve treaties

This trial is a plus (+).

COMPLETE THIS SENTENCE:

The Supreme Court can check the power of the President and of the Congress because the Court has the power to:

1 - ____

2 - ____, and

3 - ____

Congratulations! You have solved the problems on your own. Now you can use this information to complete the chart that shows how one branch of government checks the others.

READING 1

ARTICLE I: THE LEGISLATIVE BRANCH

SECTION 2, CLAUSE 5. The House of Representatives shall . . . have the sole Power of Impeachment.

SECTION 3, CLAUSE 6. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. . . .

SECTION 7, CLAUSE 2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve, he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall like-wise be reconsidered, and if approved by two thirds of that House, it shall become a Law. . . .

ARTICLE II: THE EXECUTIVE BRANCH

SECTION 2, CLAUSE 2. He [the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for. . . .

ARTICLE III: THE JUDICIAL BRANCH

SECTION 2, CLAUSE 1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. . . .

The Constitution does not say that the national courts are authorized to exercise the power of **JUDICIAL REVIEW** -- the ability to determine if actions taken by governmental officials violate the Constitution. Chief Justice John Marshall declared this to be a power of the Court in the case of Marbury v. Madison in 1803. In later cases, the Court ruled that other actions taken by Congress and by the President violate the Constitution.

CHECKS AND BALANCES

DIAGRAM

	HOW DOES CONGRESS CHECK THE POWER OF	HOW DOES THE SUPREME COURT CHECK THE POWER OF	HOW DOES THE PRESIDENT CHECK THE POWER OF
THE PRESIDENT			▨
THE SUPREME COURT		▨	
THE CONGRESS	▨		

LESSON EVALUATION

1 - WHAT IS THE CONCEPT THAT WE STUDIED IN THIS LESSON?

The concept studied in this lesson is referred to as "checks and balances."

2 - DEFINE THE CONCEPT.

Checks and balances is a phrase which means that each of the branches of government has some influence in the operation of the other branches.

3 - GIVE AN EXAMPLE OF THE CONCEPT.

The President must approve a law proposed by Congress before it can go into operation. If the law is subsequently challenged as being a violation of the Constitution, the courts will determine the validity of the challenge.

The President nominates Justices to the Supreme Court, but they must be approved by the Senate.

The Congress may remove the President from office through impeachment; the courts can declare actions taken by the President to be null and void if the actions exceed the power given to the President by the Constitution.

4 - GIVE A GOVERNMENTAL NON-EXAMPLE OF THE CONCEPT.

The Justices of the Supreme Court can hire their own clerks; members of Congress hire their own staff members; the President hires the members of the White House staff.

TEACHER RESOURCES

CHECKS ON LEGISLATIVE POWER NOTED IN READING 1:

Article I, Section 7, Clause 2 explains that Congressional action will not be effective as law until approved by the President--or until approved by two-thirds of both houses if vetoed by the President. Article III, Section 2, Clause 1 indicates that the courts will determine whether the law will continue to be valid if someone claims that it is unconstitutional.

CHECKS ON EXECUTIVE POWER NOTED IN READING 1:

Article I, Section 3, Clause 6 explains that the President may be removed from office through impeachment and conviction by the Congress. Again, the courts can declare executive actions to be void if they are not authorized by the Constitution.

CHECKS ON JUDICIAL POWER NOTED IN READING 1:

Article II, Section 2, Clause 2 shows that the Court is held in check by the executive branch because the President nominates new members and the Senate has the responsibility to approve or to reject the nominees of the President.

Also the Constitution does not prevent the Congress from changing the size of the Supreme Court -- decreasing it when there are vacancies, or enlarging it. The Supreme Court has been as large as ten and as small as six. In 1801 Congress actually lowered the size of the Court to five, but this legislation was rescinded by a new Congress before the demise of a sitting justice could allow the judicial act to become effective.

VI - C. **HOW A BILL BECOMES A LAW**

OBJECTIVE: Students will learn how a bill becomes a law, how the law can be challenged in the courts, and some of the vocabulary associated with this process.

PURPOSE: This lesson illustrates the concepts of **separation of powers** and **checks and balances**.

INSTRUCTION

INTRODUCTION

Inform the students that this lesson will provide an illustration of how the concepts of **Separation of Powers** and **Checks and Balances** operate when a law is enacted.

TEACHING THE CONTENT

1 - Review the concepts of Separation of Powers and Checks and Balances. Use responsive questioning to ensure that students realize that Separation of Powers refers to each branch (Executive, Legislative, and Judicial) having different powers. Also ensure that students realize that each of the three branches also has the power and the responsibility to check and balance the power of the other two branches.

2 - Divide the class into groups and give each group one set of the enlarged pieces of the "HOW A BILL BECOMES A LAW" cartoon.

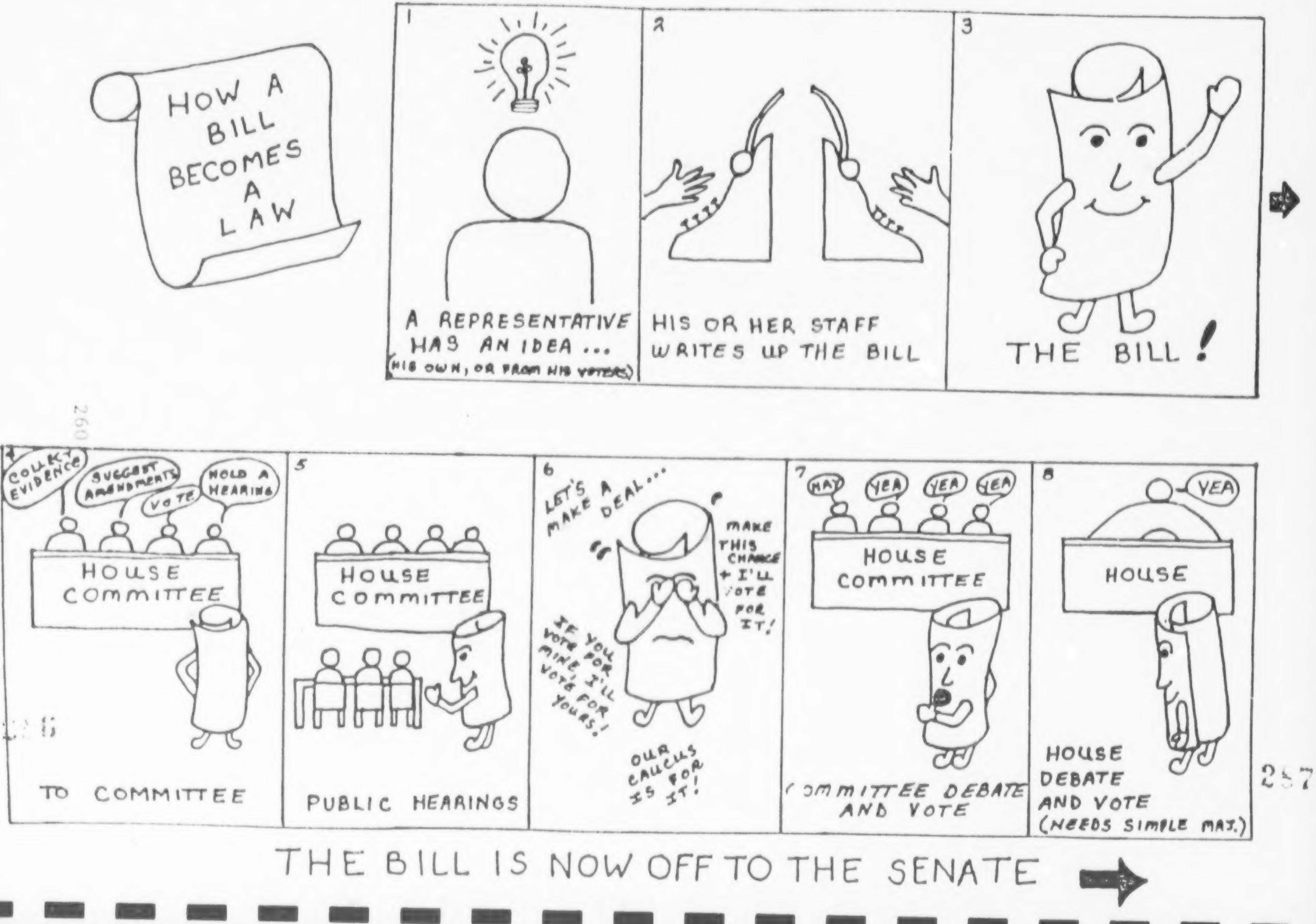
3 - Instruct the group to try arranging the pieces in the proper order.

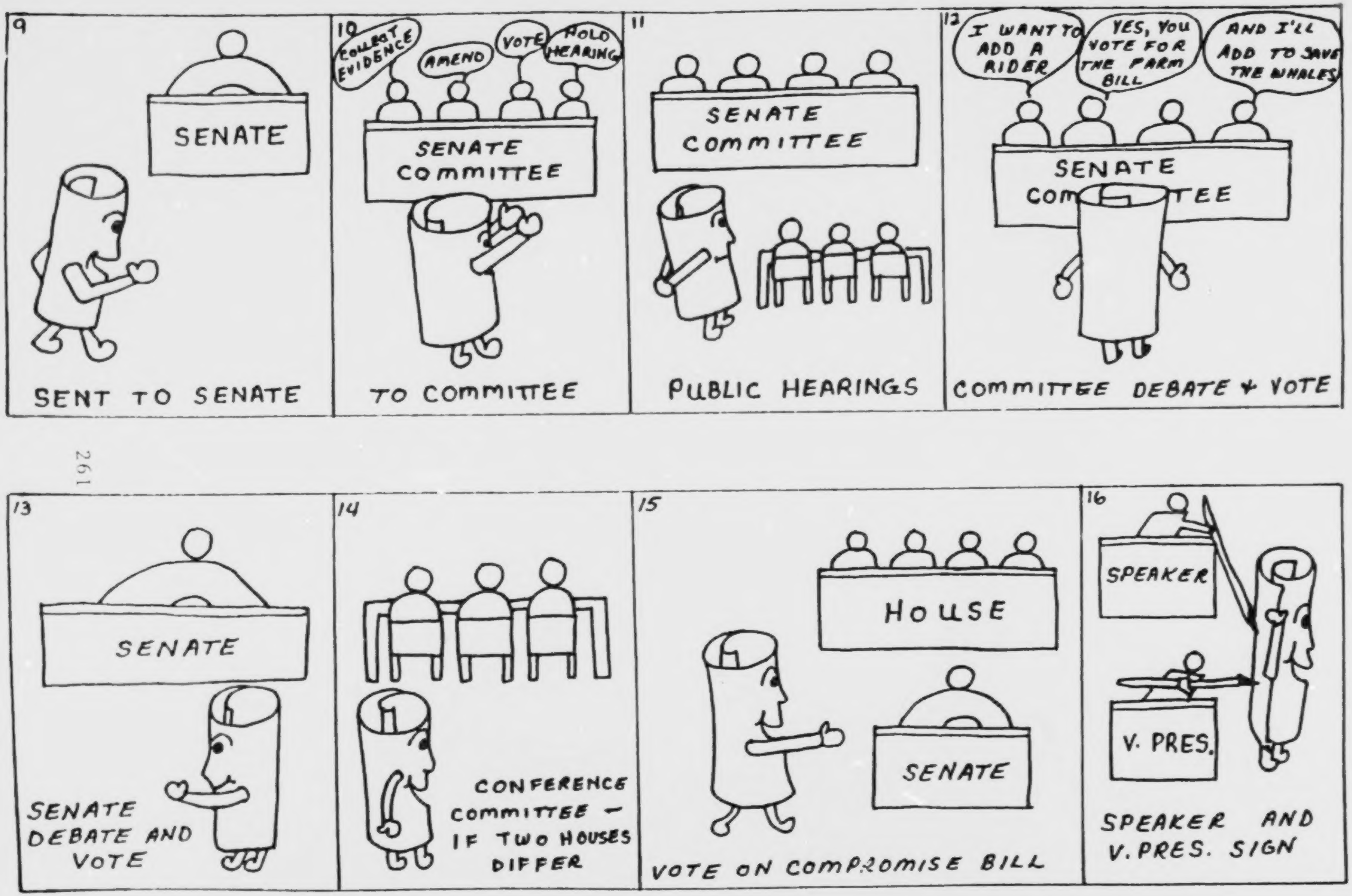
4 - After a few minutes, ask the groups to report the order in which they have arranged the pieces of the cartoon.

5 - Distribute the cartoon with the pictures in order. Have the groups check to determine whether they arranged the pieces in the proper order.

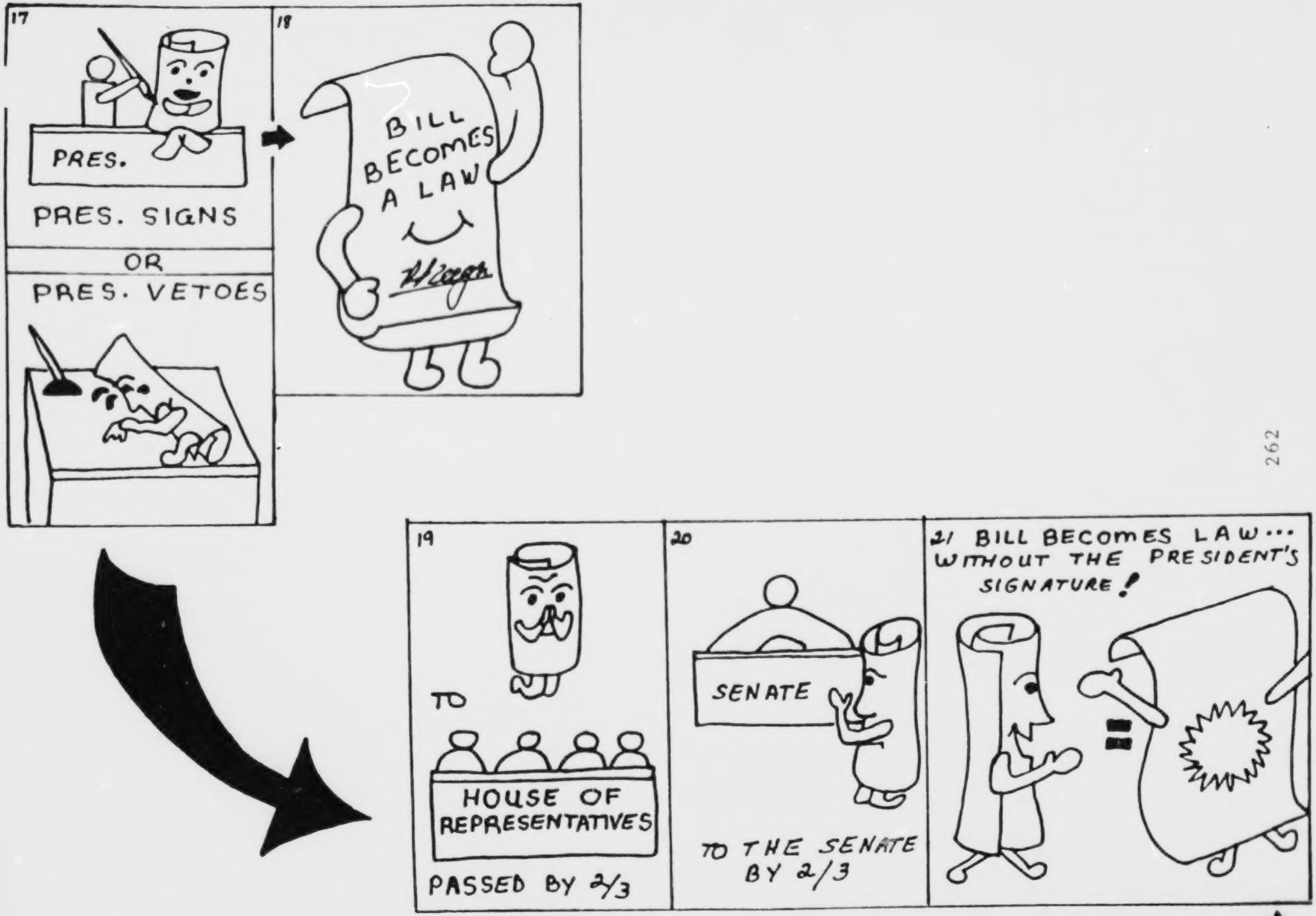
CLOSING THE LESSON

Ask students to identify those steps in the process that illustrate the concept of **Separation of Powers** and those steps in the process that illustrate the concept of **Checks and Balances.**


HOW A BILL BECOMES A LAW
1
A REPRESENTATIVE HAS AN IDEA ...
(HIS OWN, OR FROM HIS VOTERS)
2
HIS OR HER STAFF WRITES UP THE BILL
3
THE BILL!
4
COLLECT EVIDENCE
SUGGEST AMENDMENTS
VOTE
HOLD A HEARING
HOUSE COMMITTEE
TO COMMITTEE
5
HOUSE COMMITTEE
PUBLIC HEARINGS
6
LET'S MAKE A DEAL...
MAKE THIS CHANGE + I'LL VOTE FOR IT!
IF YOU VOTE FOR MINE, I'LL VOTE FOR YOURS!
OUR CAUCUS IS FOR IT!
7
NAY
YEA
YEA
YEA
HOUSE COMMITTEE
COMMITTEE DEBATE AND VOTE
8
YEA
HOUSE
HOUSE DEBATE AND VOTE (NEEDS SIMPLE MAJ.)
THE BILL IS NOW OFF TO THE SENATE

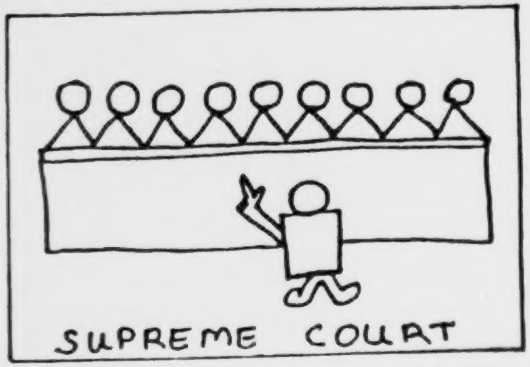

9
SENATE
SENT TO SENATE
10
COLLECT EVIDENCE
AMEND
VOTE
HOLD HEARING
SENATE COMMITTEE
TO COMMITTEE
11
SENATE COMMITTEE
PUBLIC HEARINGS
12
I WANT TO ADD A RIDER
YES, YOU VOTE FOR THE FARM BILL
AND I'LL ADD TO SAVE THE WHALES
SENATE COMMITTEE
COMMITTEE DEBATE + VOTE
13
SENATE
SENATE DEBATE AND VOTE
14
CONFERENCE COMMITTEE — IF TWO HOUSES DIFFER
15
HOUSE
SENATE
VOTE ON COMPROMISE BILL
16
SPEAKER
V. PRES.
SPEAKER AND V. PRES. SIGN

THE BILL NOW GOES TO THE PRESIDENT →

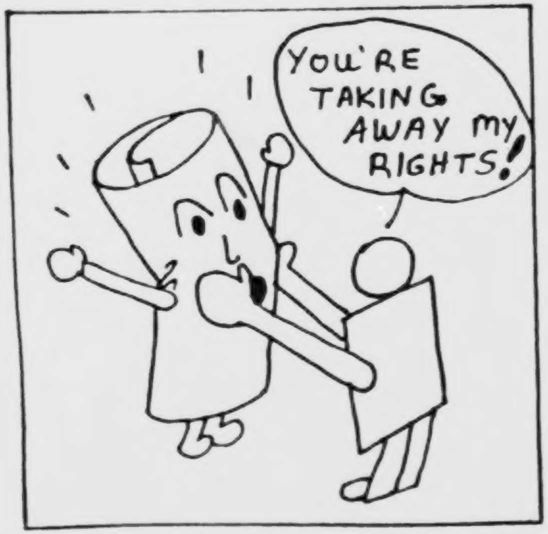

17
PRES.
PRES. SIGNS
OR
PRES. VETOES
18
BILL BECOMES A LAW
19
TO
HOUSE OF REPRESENTATIVES
PASSED BY 2/3
20
SENATE
TO THE SENATE BY 2/3
21 BILL BECOMES LAW... WITHOUT THE PRESIDENT'S SIGNATURE!

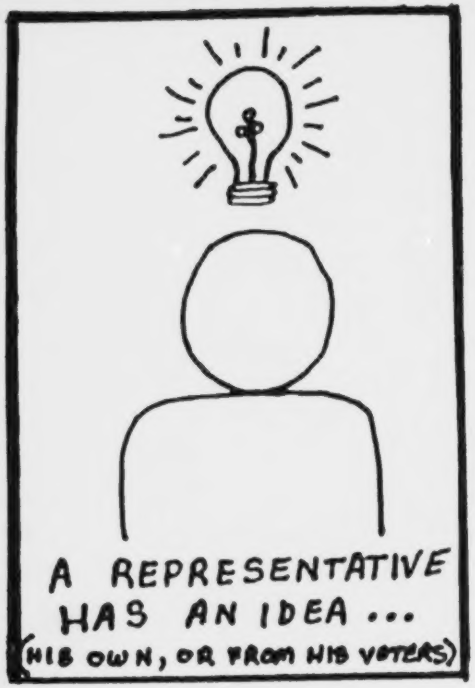
THE CONSTITUTIONALITY OF THE LAW CAN BE CHALLENGED

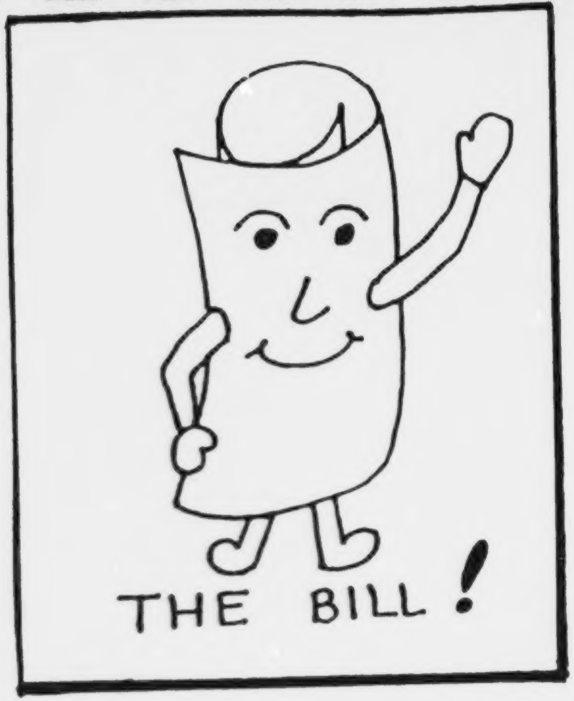
➡ 3

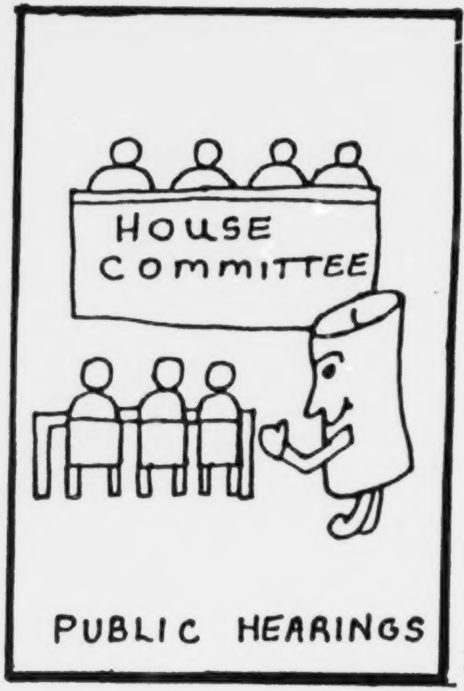

SUPREME COURT

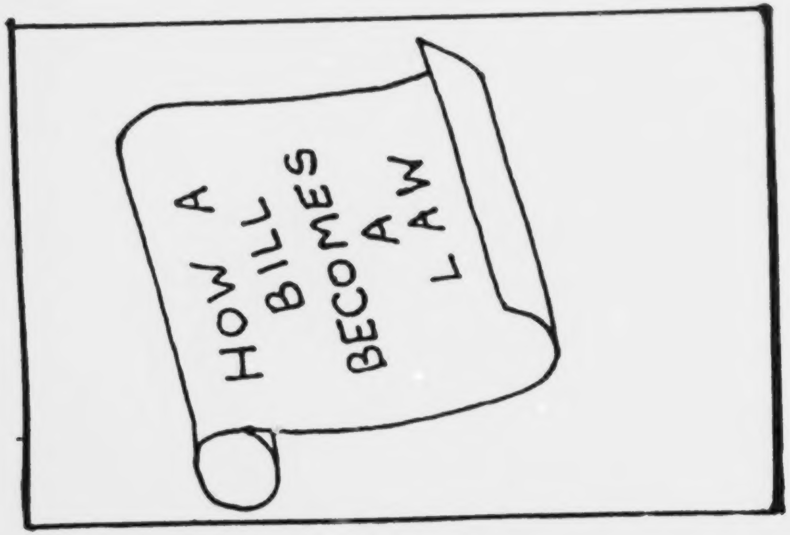
FOLLOWS THROUGH THE COURT SYSTEM – AND MAY GO AS FAR AS THE SUPREME COURT!

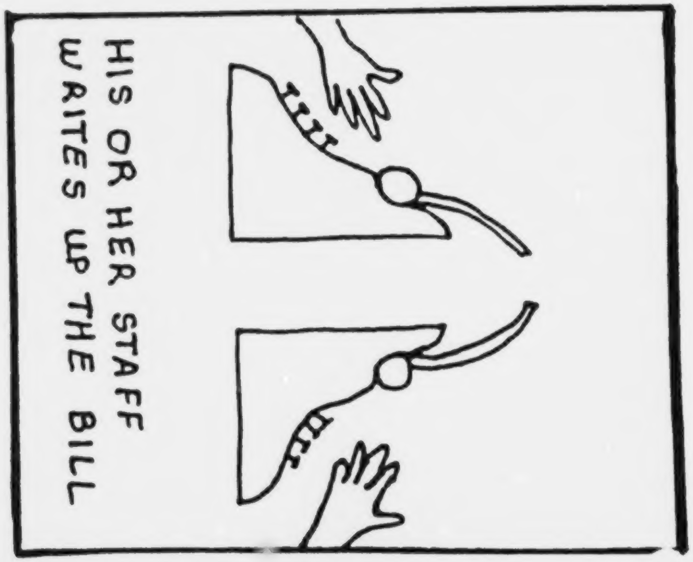

YOU'RE TAKING AWAY MY RIGHTS!

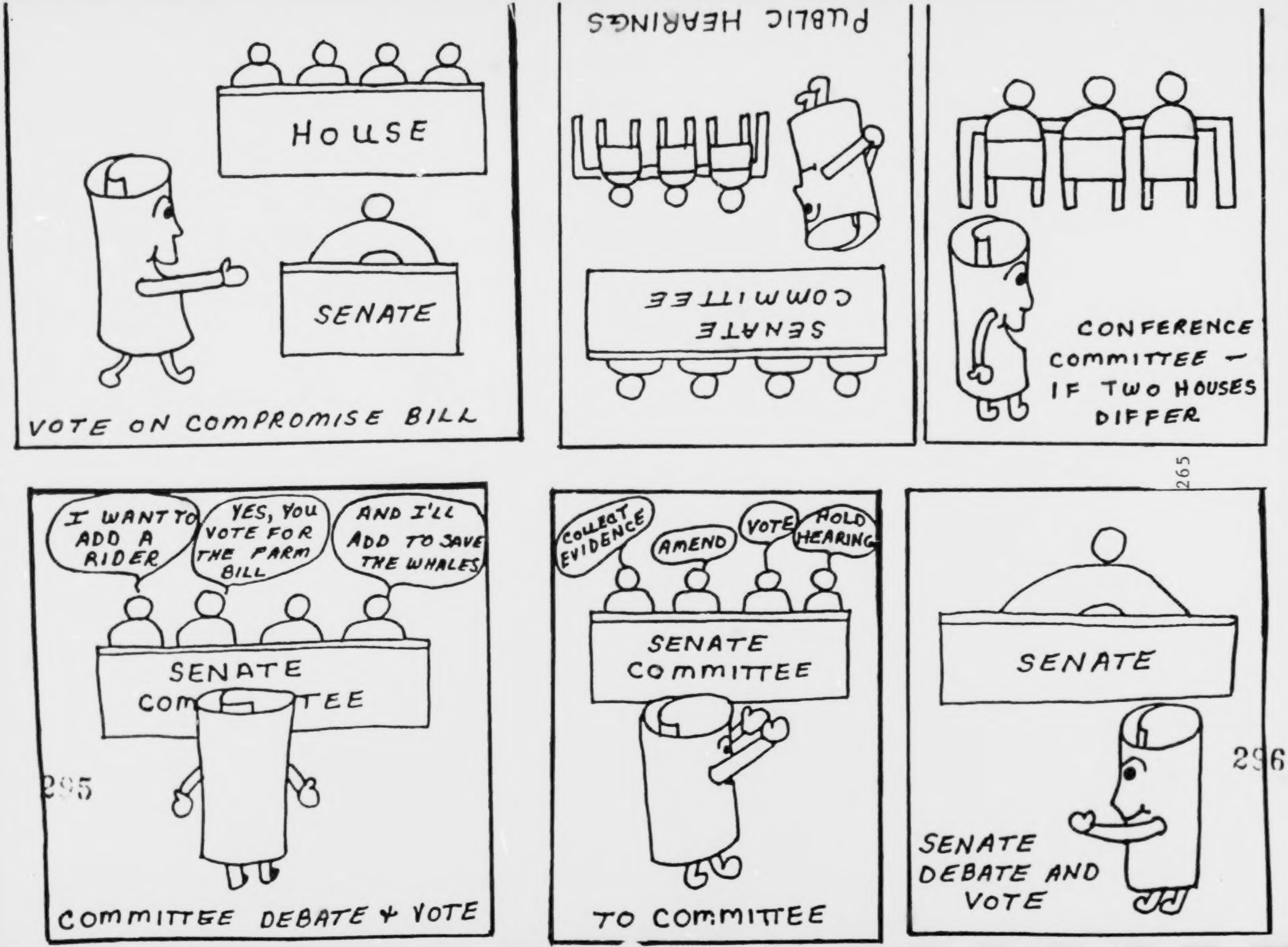

A REPRESENTATIVE
HAS AN IDEA ...
(HIS OWN, OR FROM HIS VOTERS)

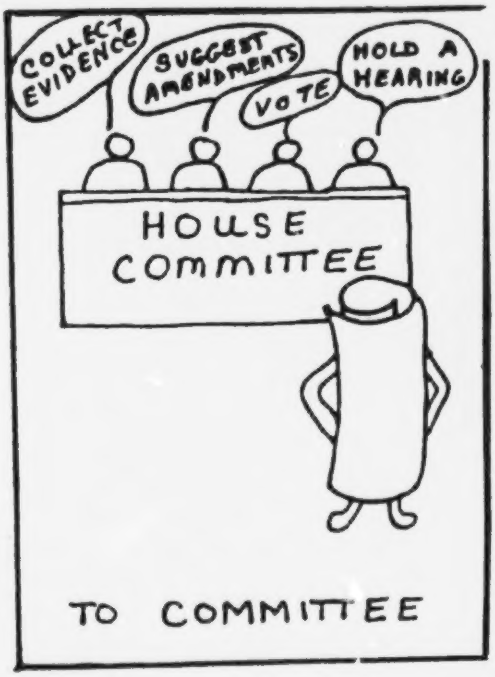

THE BILL!


HOUSE
COMMITTEE
PUBLIC HEARINGS

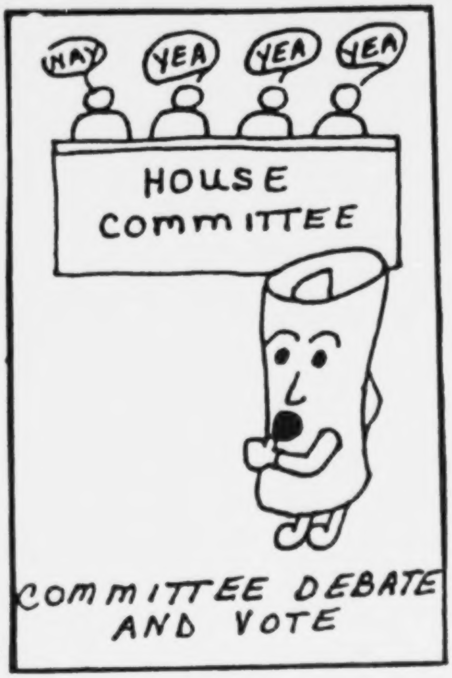

HOW A
BILL
BECOMES
A
LAW


HIS OR HER STAFF
WRITES UP THE BILL

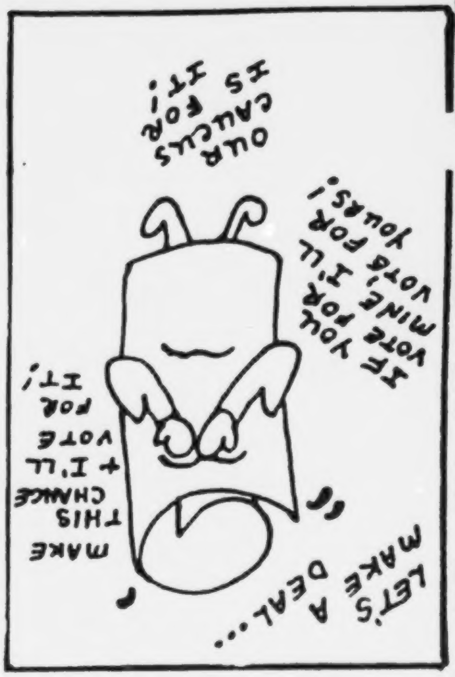

HOUSE
SENATE
VOTE ON COMPROMISE BILL
PUBLIC HEARINGS
SENATE COMMITTEE
CONFERENCE COMMITTEE — IF TWO HOUSES DIFFER
I WANT TO ADD A RIDER
YES, YOU VOTE FOR THE FARM BILL
AND I'LL ADD TO SAVE THE WHALES
SENATE COMMITTEE
COMMITTEE DEBATE + VOTE
COLLECT EVIDENCE
AMEND
VOTE
HOLD HEARING
SENATE COMMITTEE
TO COMMITTEE
SENATE
SENATE DEBATE AND VOTE

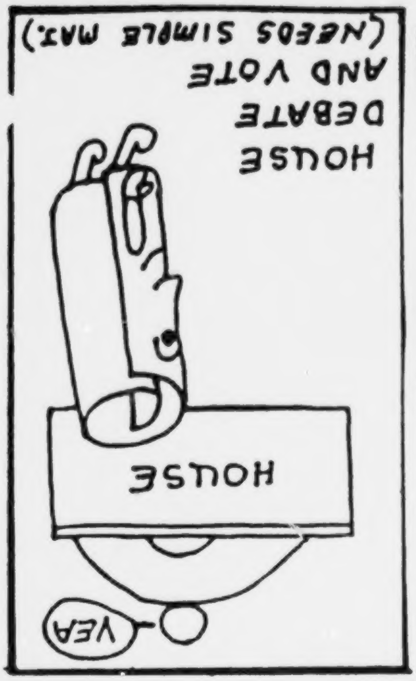

COLLECT EVIDENCE
SUGGEST AMENDMENTS
VOTE
HOLD A HEARING
HOUSE COMMITTEE

TO COMMITTEE

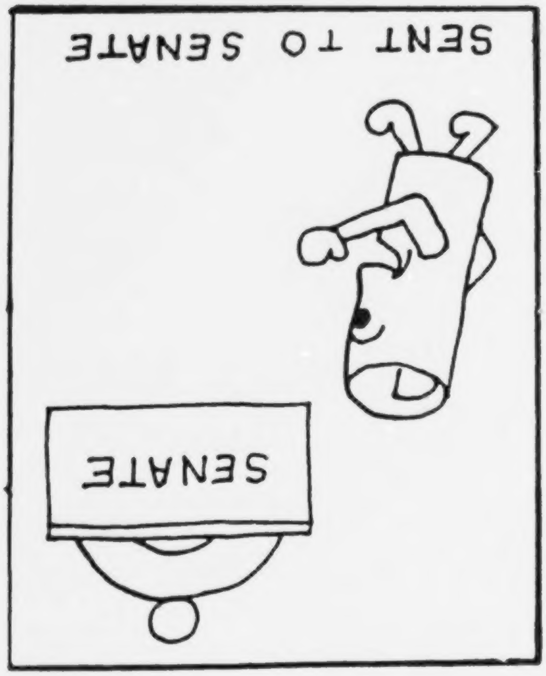

NAY
YEA
YEA
YEA
HOUSE COMMITTEE

COMMITTEE DEBATE AND VOTE

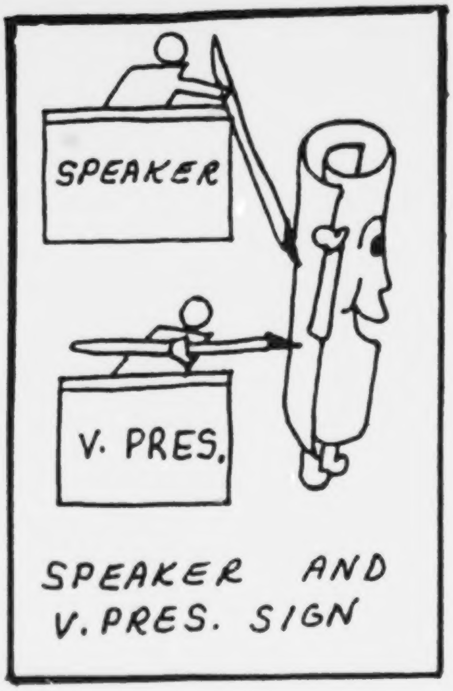

LET'S MAKE A DEAL...
MAKE THIS CHANGE + I'LL VOTE FOR IT!
IF YOU VOTE FOR MINE, I'LL VOTE FOR YOURS!
OUR CAUCUS IS FOR IT!

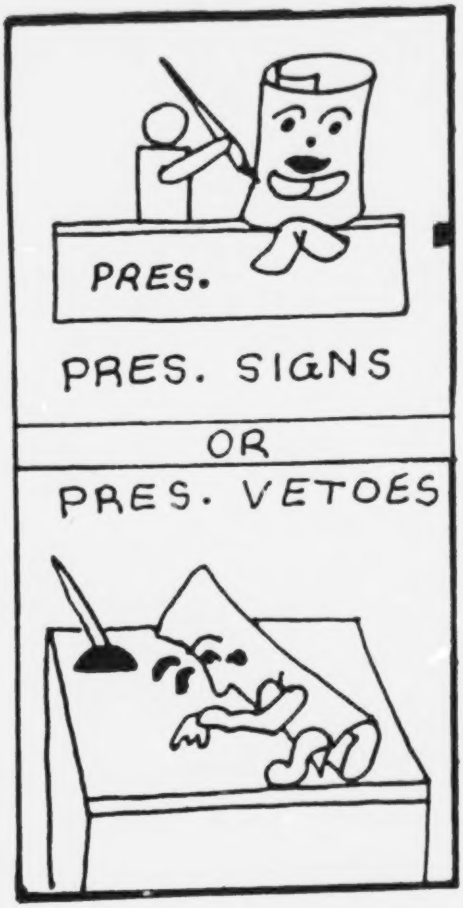


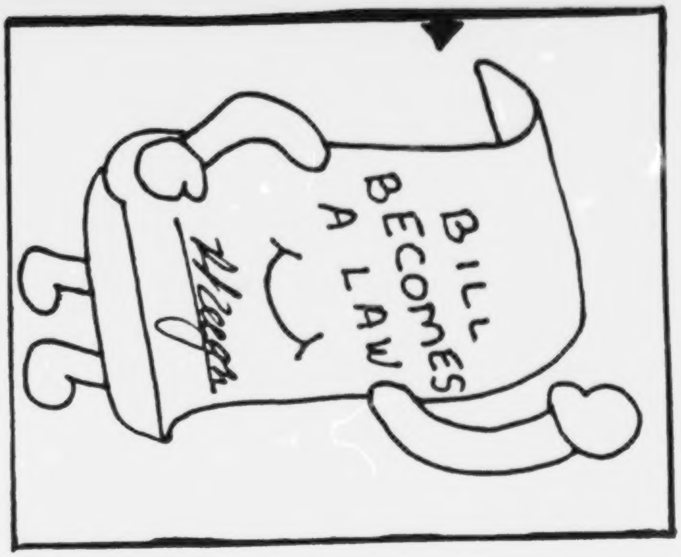
HOUSE DEBATE AND VOTE (NEEDS SIMPLE MAJ.)

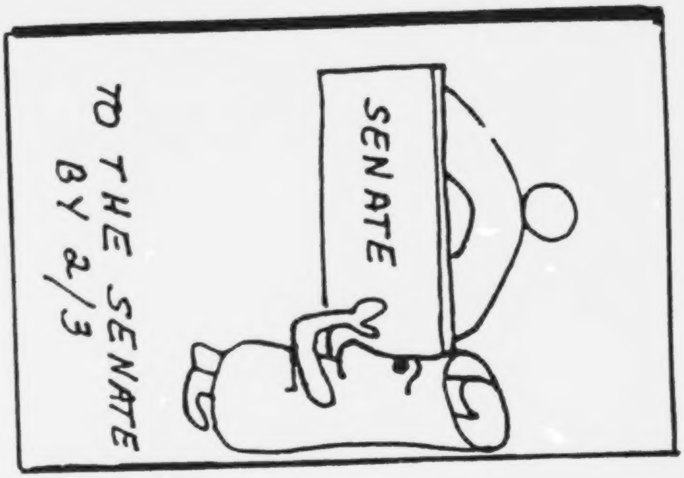


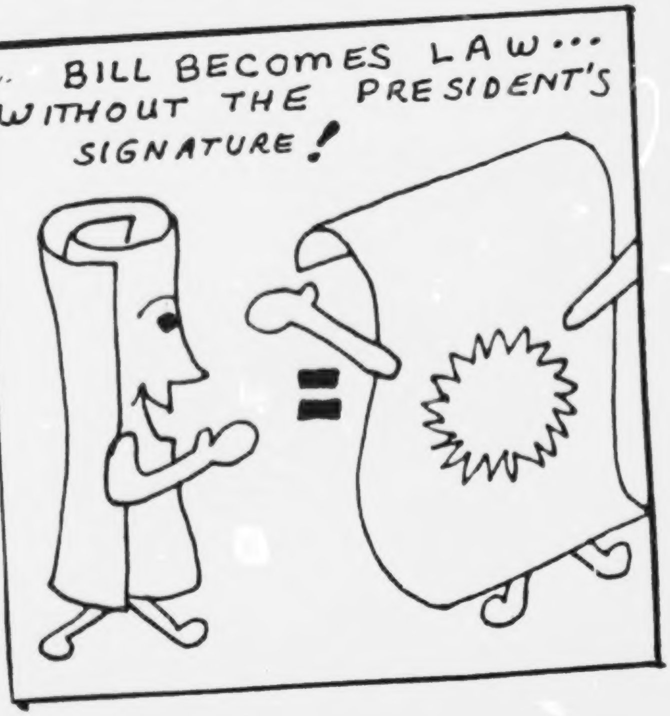
SENT TO SENATE


SPEAKER
V. PRES.
SPEAKER AND V. PRES. SIGN


PRES.
PRES. SIGNS
OR
PRES. VETOES


BILL BECOMES A LAW


SENATE
TO THE SENATE BY 2/3


" BILL BECOMES LAW... WITHOUT THE PRESIDENT'S SIGNATURE!

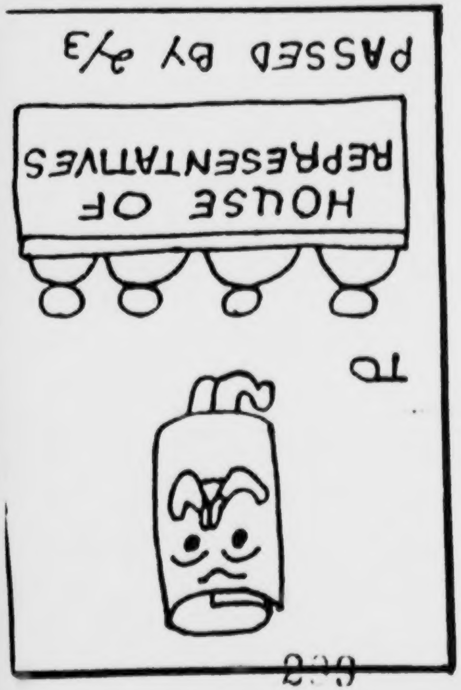
THE BILL

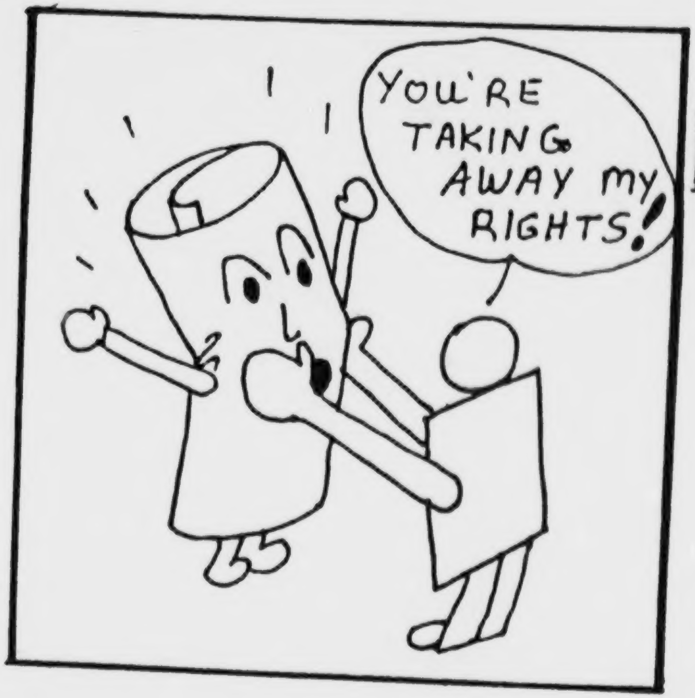
NOW GOES

TO THE

PRESIDENT

→


TO
HOUSE OF REPRESENTATIVES
PASSED BY 2/3


YOU'RE TAKING AWAY MY RIGHTS!

THE BILL

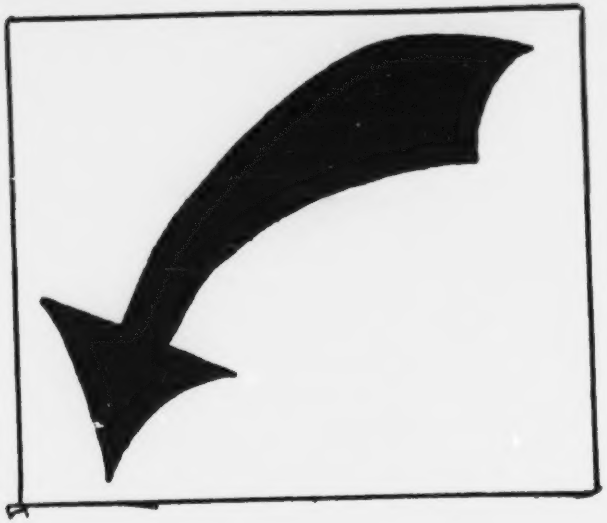
IS NOW OFF

TO THE

SENATE

→

THE CONSTITUTIONALITY OF THE LAW MAY BE CHALLENGED!



FOLLOWS THROUGH THE COURT SYSTEM – AND MAY GO AS FAR AS THE SUPREME COURT!

VI - D. AN ILLUSTRATION USING A CURRENT EVENT

OBJECTIVES: Using a newspaper account of a current event, students will:

1 - identify people who are members of the executive, legislative and judicial branches of the national government,

2 - take note of the facts relating to the powers of each of these branches, and

3 - show how the branches check and balance one another.

PURPOSE: This lesson is intended to reinforce the previous learning about the principles of Separation of Powers and Checks and Balances as well as illustrate that contemporary news stories may be used to teach about basic constitutional concepts.

INSTRUCTION

INTRODUCTION

1 - Inform students that this lesson will assist them to identify the Constitutional principles of Separation of Powers and Checks and Balances, by using a newspaper account of a current event.

2 - Review with the students the basic facts of judicial appointments, asking questions such as the following (see **TEACHER RESOURCES** for suggested answers):

- Who nominates judges to the Supreme Court?

- After being nominated to the Court, can a judge then immediately take his place on the bench? Explain.

- Might the President and the Senate disagree on who would make a good judge for the Supreme Court? Why?

TEACHING THE CONTENT

1 - Ask students to read the two articles about Robert H. Bork, the judge President Reagan nominated in 1987 to fill the position of Associate Justice on the U.S. Supreme Court.

2 - After they finish reading, ask:

- Will all members of the Senate agree that he is going to make a good Justice?
- Why might some members of the Senate oppose him?
- Why might some members of the Senate support him?
- What might happen if the Senate had no power to confirm or deny the President's appointments to the Supreme Court?
- Do you think this might be good or bad?

3 - Distribute copies of the newspaper article excerpts titled **"SENATE PANEL TO RECEIVE REHNQUIST DOCUMENTS."** Inform the students that this article describes something that happened after President Reagan nominated William Rehnquist to be Chief Justice of the Supreme Court in 1986. Explain to the students that the President and members of Congress each wanted something from one another.

4 - After students have read the article, ask them to answer the questions on the **SEPARATION OF POWERS/CHECKS AND BALANCES DIAGRAM.**

5 - Ask students what checks on the power of one branch by another branch took place as a result of this event. (See **TEACHER RESOURCES** for a discussion of the illustrations that students should identify.)

CLOSING THE LESSON

Ask students to solve the anagram.

STUDY OF 462 BORK VOTES FINDS PRO-BUSINESS BENT*

By David Lauter and David Savage, Times Staff Writers

WASHINGTON - In his 5 and 1/2 years as a federal appeals court judge, Robert H. Bork consistently has voted for business and against individuals and public interest groups, according to a study released Thursday of all 462 published decisions in which Bork participated.

His performance on the bench "is not explained by the consistent application of judicial restraint or any other judicial philosophy," said the liberal Public Citizen Litigation Group. . . . One can predict his vote with almost complete accuracy simply by identifying the parties in the case."

*Los Angeles Times, August 7, 1987, Part I, page 22.

BALKING AT BORK**

"There is so much to find acceptable about Mr. Bork -- a classy man, intelligent and scholarly, who endured five days of probing into his judicial philosophy with polite good temper. . . .

"Mr. Bork interprets the Constitution narrowly, determined not to read into it more than is there, or was intended by its authors. This is a defensible approach. . . ."

**305 The Economist 7519, October 10, 1987.

The following article contains portions of a newspaper story written after President Reagan sent two Supreme Court nominations to the U.S. Senate. The Senate Judiciary Committee considered delaying their hearings on these two men who wanted to serve on the Supreme Court until President Reagan provided some information that the Committee requested. President Reagan claimed he could withhold the information from the Committee under his power of executive privilege.

SENATE PANEL TO RECEIVE REHNQUIST DOCUMENTS*

The Reagan Administration, breaking a deadlock over executive privilege, Tuesday agreed to allow Senate Judiciary Committee members to examine memos and other documents that Justice William H. Rehnquist wrote as a legal advisor to former Attorney General John N. Mitchell and ex-president Richard M. Nixon.

The agreement virtually assures favorable committee action on Rehnquist's nomination as Chief Justice and that of Judge Antonin Scalia as an Associate Supreme Court Justice.

Senate aides planned to begin examining the papers Tuesday night and senators were to go over them today.

*Los Angeles Times, August 6, 1986.

ANAGRAM

Unscramble the words to form a sentence that describes something learned in this lesson.

Supreme is by President by the Court the Senate. Justice confirmed A and nominated

SEPARATION OF POWERS/CHECKS AND BALANCES DIAGRAM

Provide the answers requested on the following diagram by using information provided in the newspaper article concerning Justice Rehnquist's nomination to be Chief Justice of the U.S. Supreme Court.

List all of the names of persons in or associated with the executive branch of government.

What powers did President Reagan have?

What did President Reagan want?

List all of the names of persons in or associated with the legislative branch of government.

What powers did the members of the Senate have?

What did the members of the Senate want?

List all of the names of persons associated with the judicial branch of government.

What powers did these people have?

What did the nominees to the Court want?

TEACHER RESOURCES

While these examples are eminently teachable, published lesson plans, of course, cannot keep pace with the march of time. Therefore many teachers will be alert to newspaper articles which would be more timely but would fit equally well into this context.

INTRODUCTION - Step 2

The President has the responsibility to nominate people to serve on the Supreme Court and the Senate has the responsibility to decide if the nominees should be confirmed. (See Article II, Section 2, Clause 2 of the Constitution.)

After the President sends a nomination to the Senate, the Senate Judiciary Committee holds hearings to determine whether the person nominated is qualified to be a Justice on the Supreme Court. This committee will send a recommendation to the entire Senate. The person nominated must then receive a majority of the votes from the entire Senate before becoming a Justice on the Court.

In instances when the President is either very liberal or very conservative and a majority of the Senators are just the opposite, there is often disagreement concerning whether the person nominated by the President should be confirmed.

TEACHING THE CONTENT - Step 5

1 - Executive branch people are:
    - Ex-President Nixon
    - President Reagan
    - Attorney General Mitchell
    - William Rehnquist (He served as a legal advisor in the Justice Department before he became a Supreme Court Justice.)

2 - Legislative branch people are:
    - The Senate Judiciary Committee
    - Senate aides
    - Senators

3 - Judiciary branch people are:
    - Justice Rehnquist
    - Judge Scalia

President Reagan claimed that as President he had the privilege to withhold information that the Senate Judiciary Committee members had requested. The Senate Committee, on the other hand, could hold up the proceedings and refuse to move forward on the nomination if the President did not provide the information that they wanted.

President Reagan, of course, wanted the two nominations to be approved, while the Senate felt that the information they requested was necessary in order for them to perform their constitutional duty to determine whether the nominees were qualified to be members of the Supreme Court.

The two persons (Rehnquist and Scalia) wanted to be confirmed by the Senate so they could serve on the Supreme Court. Some of the information needed by the Senate in making this determination would be provided when the nominees answered questions before the Senate Judiciary Committee.

ANAGRAM SOLUTION

A Supreme Court Justice is nominated by the President and confirmed by the Senate.

VI - E. THE IMPEACHMENT PROCESS

OBJECTIVES: In this lesson students will learn:

1 - the definition of impeachment.
2 - the specific Constitutional provisions concerning impeachment,
3 - how the process worked in the cases of Andrew Johnson and Richard Nixon,
4 - how to analyze facts about the impeachment process,
5 - how to identify and clarify issues concerning the impeachment proceedings against Presidents Johnson and Nixon, and
6 - how to raise questions and conduct an inquiry about these two impeachment proceedings.

PURPOSE: The lesson will illustrate one specific constitutional provision (impeachment) designed to provide a check on the power of governmental officials.

INSTRUCTION

INTRODUCTION

1 - Write the word "IMPEACHMENT" on the board. Ask students what the word means. Also ask: How does the impeachment process work? Who is involved in the process? How many Presidents have been impeached? Who were they? How many have been convicted? (Do not provide answers to the questions. Only solicit student responses.)

2 - Inform the students that during this lesson they will learn the answers to these questions.

TEACHING THE CONTENT

1 - Give the students the handout for taking class notes.

2 - In the box at the top of the handout have students write: "What the Constitution says about the Impeachment Process." In the column for Key Words they will write: "Impeachment, Conviction, Treason, Bribery, Misdemeanors, and High Crimes (Felonies)." In the space for Main Ideas students will write the main points of the lesson as they are presented during the lesson.

3 - Give each student a copy of the handout **"CLAUSES OF THE CONSTITUTION THAT COVER THE SUBJECT OF IMPEACHMENT."**

4 - Again ask the questions: Who is involved in the impeachment process? How does the impeachment process work? Have students examine the information presented on the Constitution handout to find the answers. (See **TEACHER RESOURCES** for points to be emphasized.)

5 - Ask students how the phrase "Equal Justice Under Law" is related to the idea of impeachment. (See **TEACHER RESOURCES** for suggested responses.)

6 - Ask students to define impeachment. Note the distinction between the role played by the House of Representatives and the Senate in the impeachment process (see the constitutional provisions). The House of Representatives decides if charges should be made against a governmental official (this is impeachment) while the Senate acts like a judge or a jury and decides if the person is guilty of the charges.

7 - Now consider other questions concerning impeachment.
  A. Who may be impeached? (Article II, Section 4)
  B. For what reasons can an official be impeached or convicted? (Article II, Section 4)
  C. What is the maximum (the greatest) penalty that can be given in an impeachment case? (Article I, Section 3, Clause 7)

8 - Hand out the summary of the Andrew Johnson impeachment case.

9 - Hand out **QUESTIONS ABOUT THE IMPEACHMENT CASE OF ANDREW JOHNSON.** Have students (individually or in groups) write answers to questions under **Getting the facts**.

10 - Ask a representative group of students to share their answers. (Note that only "E" is a value statement. Although "G" is a false statement, it is still factual because it can be proven to be false.)

11 - Have students complete the exercises on the two pages concerning **Identifying and clarifying the Issues**.

12 - Ask students to share their answers. (See **TEACHER RESOURCES** for suggestions regarding the final question in the exercise.)

13 - Hand out **THE IMPEACHMENT CASE OF RICHARD NIXON.**

14 - Hand out **QUESTIONS ABOUT THE NIXON IMPEACHMENT CASE.** Have students write answers to the questions in the section titled: RAISING QUESTIONS AND CONDUCTING AN INQUIRY.

15 - Ask students to share their responses.

16 - Have students provide answers to the section titled: ANALYZING THE ISSUES AND FORMING A JUDGMENT. (Ask students in advance which position they will support. If all vote to impeach, assign a few students to take a position against impeachment, for the sake of classroom debate.)

17 - Ask a representative group of students to share their responses. (In conclusion, emphasize that the impeachment case of Richard Nixon, and his subsequent resignation represents an example of the Executive branch being checked by the Congress.)

CLOSING THE LESSON

1 - Hand out the Political Cartoon concerning Watergate. Have students (individually or in groups) provide answers to the questions under the cartoon.

2 - Have students solve the anagram.

3 - Have students complete the **LESSON EVALUATION** form.

Key Words

Main Ideas

Adapted from the Cornell systen developed by Walter Pauk. See T.G. Devine. Listing Skills Schoolwide. NCTE, 1982

CLAUSES OF THE CONSTITUTION THAT COVER THE SUBJECT OF IMPEACHMENT

ARTICLE I, Section 2, Clause 5 - The House of Representatives

The House of Representatives. . . shall have the sole Power of Impeachment.

ARTICLE I, Section 3, Clause 6 - The Senate

The Senate shall have the sole Power to try all impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

ARTICLE I, Section 3, Clause 7 - The Senate

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

ARTICLE II, Section 4 - Removal of Executive and Civil Officers

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

THE IMPEACHMENT CASE OF ANDREW JOHNSON

(1865-1869)

A. After the assassination of Abraham Lincoln on April 14, 1865, Vice President Andrew Johnson became President of the United States.

B. Soon after the South had lost the Civil War, Congress passed civil rights and reconstruction laws in an attempt to punish the states that had left the Union, and to protect the former slaves.

  1 - Johnson opposed this action and was unwilling to follow these laws.

  2 - Edwin Stanton, Johnson's Secretary of War, was willing to abide by the wishes of Congress.

  3 - Knowing Johnson's disapproval, Congress feared that he would remove Stanton from his cabinet.

C. In 1867 Congress passed the Tenure of Office Act, which did not permit a President to remove cabinet members he had appointed and the Senate had confirmed.

  1 - Johnson ignored this act and dismissed Edwin Stanton anyway.

  2 - In February, 1868 the House of Representatives responded by voting to impeach President Johnson by a vote of 128 to 74.

D. The Senate refused to convict Johnson by a vote that was only one less than the required two-thirds majority.

  1 - They believed that he did not disobey the Tenure of Office Act because President Lincoln had appointed Stanton, not Johnson.

  2 - They feared the House was only trying to get even with Johnson because they disagreed with him.

QUESTIONS ABOUT THE IMPEACHMENT CASE OF ANDREW JOHNSON

I - Getting the facts; separating facts from values.

To determine whether something is a fact, ask yourself if it can be proved true or false. Using that criterion, which of the following statements would you consider to be factual?

A. In the U.S. the Fourth of July is called Independence Day.
B. The South should be punished for fighting in the Civil War.
C. The Civil War took place during the Twentieth Century.

Explain your choices.

Now see if you can determine whether the following statements concerning the impeachment case of President Johnson are factual. Place an "X" under the correct answer.

		STATEMENT OF FACT	VALUE STATEMENT
A.	President Johnson did not agree with Congress on the question of reconstruction for the South.		
B.	The Civil Rights laws passed by Congress were accepted by the South.		
C.	Congress passed the Tenure of Office Act to prevent President Johnson from firing Secretary of War Stanton.		
D.	President Johnson fired Stanton.		
E.	President Johnson was wrong to disobey a law passed by Congress.		
F.	The House of Representatives voted to impeach President Johnson.		
G.	The Senate voted to convict President Johnson.		

For every statement that you decided was a value statement, explain the reason why you believe it is a value statement.

II. Identifying and Clarifying the Issues

You will look at the arguments used by Congress for impeaching President Johnson. Then you will look at the arguments used by President Johnson to defend himself against the charge. Finally, you will decide who presented the stronger argument.

AN ARGUMENT involves a conclusion together with support or reasons for the conclusion.

AN EXAMPLE OF AN ARGUMENT:

Conclusion: It will rain today.
Reason 1: There are dark clouds in the sky.
Reason 2: The weatherman predicts that it will rain.

Now you read the following paragraph and identify the conclusion and the supporting arguments presented by Congress.

In 1867 Congress passed the Tenure of Office Act, which did not permit a President to remove cabinet members he had appointed and the Senate had confirmed. President Johnson removed Secretary of War Stanton from office. He also vetoed many acts (laws) passed by Congress. The Constitution states that only for "Treason, Bribery, or other high Crimes and Misdemeanors" may a President be constitutionally impeached. The House of Representatives charged that President Johnson had disobeyed the law and voted to impeach him.

Write an analysis of the actions taken by Congress:

CONCLUSION:

REASON 1:

REASON 2:

Now use the same analysis concerning the following argument presented by President Johnson.

President Johnson suspected that members of Congress were trying to get even with him because he vetoed their laws. He also stated that the charge against him that he disobeyed the Tenure of Office Act was false because President Lincoln, not he, had appointed Stanton; therefore, the law did not apply to him, since he was not President when Stanton was appointed. In addition, the President maintained that the Act was unconstitutional because it interfered with the President's removal power.

Write an analysis of the argument presented by President Johnson.

CONCLUSION:

REASON 1:

REASON 2:

What do you conclude about this case?

1 - Do you think the House of Representatives was right to impeach the President? Explain.

2 - Do you think the Senate was right when it voted not to convict the President? Explain.

3 - If President Johnson had been convicted, how might this have affected future Presidents?

THE IMPEACHMENT CASE OF RICHARD M. NIXON

(1969-1974)

Richard M. Nixon was the first President to resign his office (August 9, 1974).

1 - His resignation brought to an end a series of events that had started two years earlier.

2 - On June 17, 1972, five men were arrested inside the offices of the Democratic National Committee, located in the Watergate apartment complex in Washington, D.C.

3 - At first no one felt that the President was involved with the break-in. However one burglar, James McCord, was a member of the committee to re-elect President Nixon. Another burglar had the name of Howard Hunt in his address book. Hunt was an employee of the White House.

4 - President Nixon and his aides began an effort to cover-up the entire Watergate Affair. The President denied all charges of involvement. The arrested burglars were paid off to keep them silent. The Central Intelligence Agency (CIA) was ordered to tell the Federal Bureau of Investigation (FBI) to restrict its investigation for security reasons.

5 - The House Judiciary Committee, which had the job of determining if there was enough evidence for the House of Representatives to impeach Mr. Nixon, tried to get Nixon's tapes of conversations that might tell whether he had tried to cover-up the Watergate investigation.

6 - Mr. Nixon refused to provide the tapes. He justified his action under the principle of **executive privilege** (the right of the President to keep certain information secret for purposes of national security).

7 - On July 24, 1974, the United States Supreme Court ruled that President Nixon was required to provide the tapes to the Congress because they were needed to determine whether criminal acts had been committed.

8 - President Nixon provided the tapes. They revealed that in conversations between himself and his top assistant, H. R. Haldeman, on June 23, 1972, the President had approved a plan to hinder an FBI investigation into the Watergate break-in within six days of the event.

9 - This information demonstrated clearly that Mr. Nixon had obstructed justice, an impeachable offense. The tapes even convinced Mr. Nixon's most loyal supporters that he was guilty of obstructing justice. They would now support his impeachment.

10 - On August 9, 1974, he resigned as President of the United States.

QUESTIONS ABOUT THE NIXON IMPEACHMENT CASE

I. RAISING QUESTIONS AND CONDUCTING AN INQUIRY

During your analysis of President Johnson's impeachment case, you worked at: (A) determining the facts in the case and (B) identifying and clarifying the issues. In your analysis of President Nixon's impeachment case you will take an additional step and examine what information is useful for deciding whether the President should be impeached.

Imagine that you are a member of the House Judiciary Committee. You are looking for evidence that would help to establish a connection between President Nixon and the burglary. Which of the following pieces of information would be most useful? Mark each source as "Weak," "Strong," or "Unrelated."

	Weak	Strong	Unrelated
1 - A newspaper account of the break-in.			
2 - A report of an unnamed person who said he overheard the President tell his advisors to plan the break-in.			
3 - The statement of President Nixon that he had no connection to the break-in.			
4 - A letter written by President Nixon directing the burglars to break in.			
5 - Tapes of conversations between President Nixon and his advisors about breaking into the Democratic National Headquarters.			

Write the reasons for the choices you made above.

1 -

2 -

3 -

4 -

5 -

Imagine that you are President Nixon. You wish, as have presidents before you, to deny members of the Judiciary Committee access to documents that you feel belong only to your office. After all, you are the President. Privacy in the conduct of the affairs of your office is necessary if you are to lead the nation properly. You need to have your advisors speak fully and clearly, expressing all their opinions to help you make judgments. They might not be willing to give you their best advice if they thought their conversations would be exposed to the nation. You are claiming executive privilege to keep this information private.

Prepare an argument (a conclusion with supporting reasons) to use before the Supreme Court to prevent the Judiciary Committee from obtaining the information.

CONCLUSION:

REASON 1:

REASON 2:

II. ANALYZING THE ISSUES AND FORMING A JUDGMENT

You are a member of the House Judiciary Committee. You must decide whether to vote to impeach President Nixon. What would you do? Why? Be sure that you base your answer on the Articles of the Constitution that cover the subject of impeachment.

I WOULD VOTE:

REASON 1:

REASON 2:

ANAGRAM

In House Senate of impeachment convict. to decides to
Representatives impeach the cases whether votes and the

TEACHER RESOURCES

TEACHING The CONTENT - Step 4

Note that the House of Representatives and the Senate are the main actors in the process of impeachment (the removal of a federal official from office). If the President is the subject of impeachment, then the Chief Justice of the Supreme Court presides over the proceedings in the Senate. The Chief Justice presides because the Vice President, who normally presides over the Senate, would become President if the President is convicted, which is a conflict of interest.

TEACHING THE CONTENT - Step 5

Under the Constitution each citizen, including the President, has the responsibility to follow the law of the land. Thus the impeachment process was designed for the purpose of removing from office any civil officer (including the President) who violates the law or fails to fulfill his oath of office; this is EQUAL JUSTICE UNDER THE LAW.

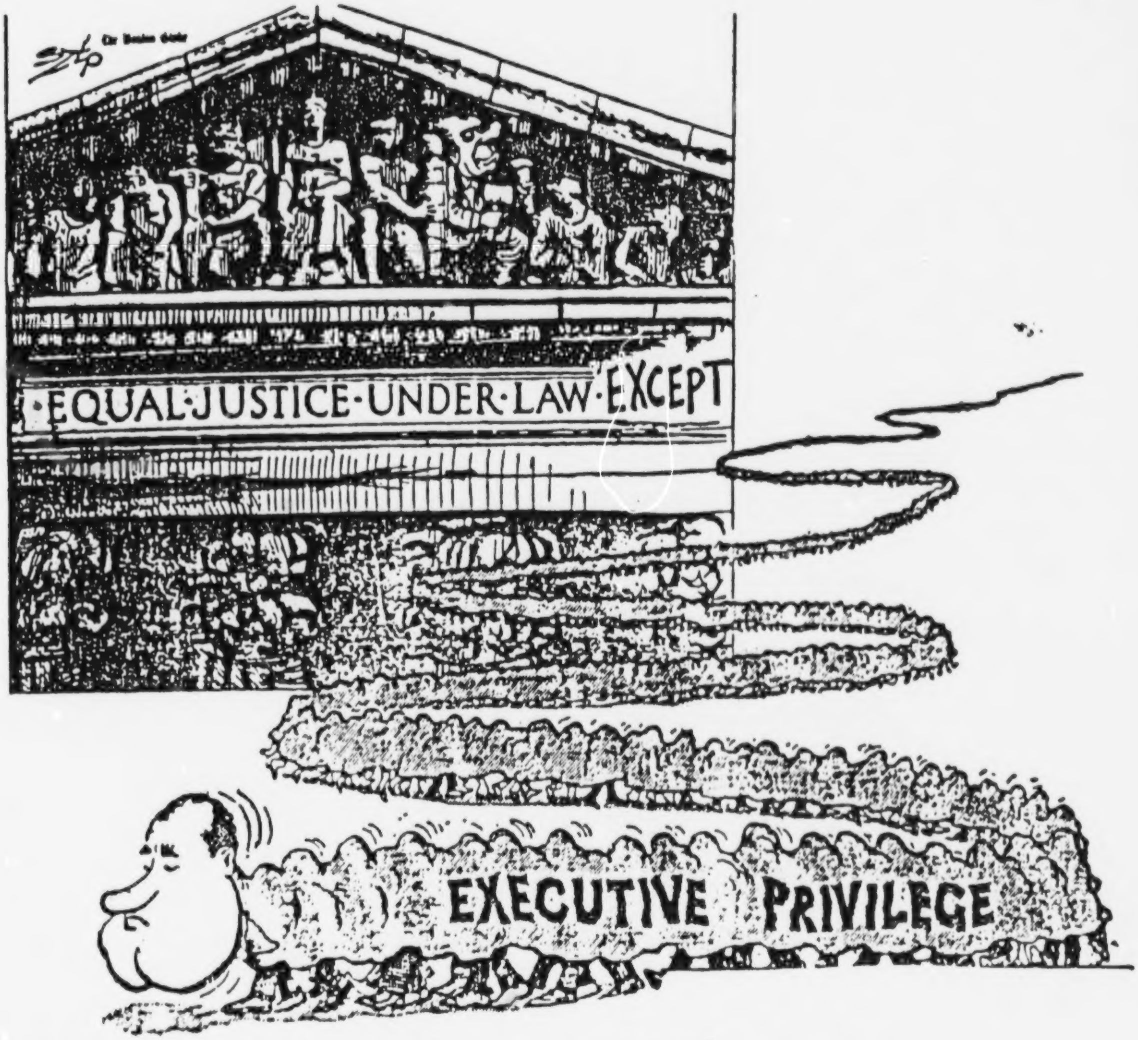
PRESIDENT JOHNSON IMPEACHMENT ANALYSIS - The last question.

If the Senate had convicted President Johnson, it would seem that his conviction would have been for political, not constitutional, reasons. Therefore it was important for the principle of separation of powers, and the independence of future presidents, that President Johnson was not impeached for "political" reasons.

SOLUTION TO THE ANAGRAM

In impeachment cases the House of Representatives votes to impeach and the Senate decides whether to convict.

Political Cartoon Analysis


·EQUAL·JUSTICE·UNDER·LAW·EXCEPT
EXECUTIVE PRIVILEGE

1 - What people or objects do you recognize?

2 - What symbols do you recognize?

3 - What is the main point of the cartoon?

4 - What is the meaning of this cartoon?

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LESSON EVALUATION

1 - WHAT IS THE CONCEPT THAT WE STUDIED IN THIS LESSON?

Impeachment is the concept that we studied.

2 - DEFINE THE CONCEPT.

Impeachment is a process described in the Constitution that may be used to remove federal governmental officials from office.

3 - GIVE AN EXAMPLE OF THE CONCEPT.

In 1869, President Johnson was impeached by the House of Representatives but he was not convicted by the Senate.

In 1974, the House Judiciary Committee recommended that President Nixon be impeached; however, he resigned the Presidency before the House of Representatives could vote on the impeachment charges.

4 - PROVIDE A NON-EXAMPLE OF THE CONCEPT.

Andrew Johnson and John Quincy Adams were the only two Presidents elected to Congress after they left the White House.

VI - F. **YOUNGSTOWN SHEET & TUBE CO. v. SAWYER (1952)**

OBJECTIVES: In this lesson students will:

1 - describe the events leading to the Supreme Court case,
2 - identify the main participants in the case,
3 - recognize the role played by the executive, legislative and judicial branches of government, and
4 - understand how this decision is related to other decisions that occurred at a later time.

PURPOSE: Analysis of this Supreme Court decision will reinforce an understanding of the Separation of Powers/Checks and Balances concepts.

INSTRUCTION

INTRODUCTION

Inform the students that this lesson will illustrate how Separation of Powers and Checks and Balances actually worked concerning a very important decision made by President Harry S. Truman during the Korean conflict.

TEACHING THE CONTENT

1 - Ask students how they would feel if their father worked in a steel mill and the President took control of the mill and prevented their father from striking to obtain a wage increase? Call on a representative sample of students.

2 - Or suppose that their father was in the army in Korea and his life depended on weapons that were produced by the steel industry. Would they then approve of the President seizing the steel mills so that production of steel could continue?

3 - Tell students that these issues were involved in a situation that took place in 1952. Then have students read the April 8 news item titled "TRUMAN SEIZES STEEL MILLS."

4 - Ask students to explain which major participants are mentioned in the news report. They should also understand the position that each party represents in the dispute. (See **TEACHER RESOURCES** for an expanded description of the issues involved.)

5 - Have students read the April 10 news item titled "STEEL INDUSTRY CHALLENGES PRESIDENT'S SEIZURE."

6 - Ask students to explain what they understand to be the position taken by President Truman and by the steel industry. Also provide additional information about the seizure as described in the **TEACHER RESOURCES** section.

7 - Working in groups, have students list reasons why they think the United States Supreme Court would decide that it was constitutional for the President to seize the steel mills.

8 - Next, have students read the news item titled "SUPREME COURT RULES ON STEEL MILL SEIZURE CASE" to determine whether the Court decision was the same as their decision.

9 - Ask the groups whether they decided the case in the same way as the Supreme Court decided the case. What were the similarities and the differences?

10 - Using information from the **TEACHER RESOURCES** section, share with the students that three of the Justices disagreed with the decision of the other six Justices on the Court. Explain why they disagreed; note that these are called dissenting opinions.

11 - Ask students if they can predict how this decision might affect other decisions in the future that involve actions taken by the President. Again, use information from the **TEACHER RESOURCES** to describe how future decisions were affected by this precedent.

CLOSING THE LESSON

1 - Ask students to describe one action that was taken by the executive, legislative and the judicial branches of the government.

2 - Then have students describe how the legislative and the judicial branches of government checked the executive branch.

3 - Ask students to solve the anagram.

NEWS ITEMS

APRIL 8, 1952

TRUMAN SEIZES STEEL MILLS

Effective at midnight, President Truman ordered Secretary of Commerce, Charles Sawyer, to seize more than 92 steel mills in the United States. The Chief Executive declared that the country's national defense is at risk. He stated that our troops in Korea would be endangered if production of weapons was interrupted.

Truman stated that this seizure was necessary to avert a strike between labor union workers and the steel industry. There is a dispute between the Steelworkers of America and the steel industry over wage increases. Steelworkers are demanding higher wages to keep up with rising costs. The steel industry refuses to increase their wages without a price increase of steel.

APRIL 10, 1952

STEEL INDUSTRY CHALLENGES PRESIDENT'S SEIZURE

Attorneys for Youngstown Sheet & Tube Company have filed for a permanent injunction against President Truman's seizure of the steel mills. They argue that the seizure is unconstitutional.

They say that the President does not have the power to make laws. Legislative power is vested only in Congress. They point out that Congress passed a law called the "Taft-Hartley Act" which grants authority to the President to delay a strike for as long as 80 days when faced with a national emergency. Thus they argue that Truman could have used the Taft-Hartley Act as a tool to prevent a strike.

APRIL 29, 1952

SUPREME COURT RULES ON STEEL MILL SEIZURE CASE

In the case of Youngstown Sheet & Tube Co. v. Sawyer, the Court ruled 6-3 that Truman's seizure was unconstitutional. The Court's position was:

1) The Constitution does not grant or imply power to the Executive branch to seize property.

2) The President had legal means to avert the strike through the Taft-Hartley Act.

3) Congress had rejected an amendment to the Taft-Hartley Act which would have authorized the Executive branch to seize property; thus, it is the President's duty to carry out the law made by Congress.

Three of the Justices dissented from this decision. They believed that the seizure was permitted by Article II of the Constitution which confers on the President the power of Commander in Chief of the military and says that he must "take Care that the Laws be faithfully executed."

In this case, however, a majority of the justices agreed that, even when a President's actions may be related to an "emergency," the actions may be reviewed by the courts to determine whether they are constitutional. In addition, the decision shows that presidential powers in domestic affairs will be limited when they conflict with a policy established by Congress.

ANAGRAM

Place the following words in their proper order so that they describe what occurred in the Steel Seizure case:

was the Supreme give mills to back President ordered The their by owners. steel the Court to

TEACHING THE CONTENT - Step 4

While Harry Truman was President, the United States became involved in the Korean Conflict, an undeclared war. During 1952, the labor union was negotiating with steel industry management for a wage increase. Management did not want to increase wages unless steel prices were raised. However, the Office of Price Stabilization would not agree to a price increase for steel. They believed that steel industry profits did not warrant increased prices. In addition, President Truman feared runaway inflation would result from a price increase; other companies would, in turn, raise prices of their products.

Because a settlement could not be reached between the labor union and steel industry management, a strike was imminent. President Truman feared a strike would endanger the lives of U.S. troops and that our national defense would be threatened, because a work stoppage would halt the supply of weaponry needed for the war in Korea.

The President announced his plans for the seizure beforehand. He hoped that the steel workers and management would settle their dispute if they were threatened with governmental control. This action would also give Congress time to respond. However, Congress neither approved nor disapproved.

The people involved in the news report are President Truman and Secretary of Commerce Sawyer--both members of the executive branch of government. Also involved were the labor union members and the managers of the steel industry. Neither of these latter two groups are part of government. They are members of the private sector.

TEACHING THE CONTENT - Step 6

Steel industry executives questioned the President's authority to take control of the steel mills. They argued that Truman should have used the Taft-Hartley Act as a tool to prevent a strike. Consequently, instead of a labor union dispute, the issue was transformed into a question of the constitutionality of the President's action.

The President based his executive order on the authority that is granted to him by the Constitution of the United States as Commander in Chief of the Armed Forces (Article II, Section 2) and as the governmental official who is assigned the responsibility to "take Care that the laws be faithfully executed" (Article II, Section 3).

TEACHING THE CONTENT - Step 10

In the 6-3 ruling, a majority of the Justices ruled that the Constitution did not grant or imply power to the Executive branch to seize property in this case. They ruled that the President had a legal means to prevent a strike by using the Taft-Hartley Act that Congress had provided.

Note that the three dissenters felt that the President did not need express statutory authorization to seize the mills, but that his constitutional grants of power are adequate to support the seizure.

TEACHING THE CONTENT - Step 11

This Supreme Court decision provided a precedent that was used to limit the President's power in areas such as the Pentagon Papers case (New York Times v. United States, 1971). In this instance the New York Times and other newspapers had published portions of classified materials about the policy-making process during the Vietnam War. The United States government sought an injunction against any further publication of the papers, claiming that the publication jeopardized national security.

The Supreme Court found that, although the publication of the Pentagon Papers might embarrass the government, the national security of the country would not be jeopardized; thus under the First Amendment the publication could not be prevented.

Closing - This case provides a good example of the concept of Separation of Powers. Congress passed the Taft-Hartley Act, the Executive branch ordered the seizure of the steel mills, and the Supreme Court justices interpreted the Constitution to determine whether the President had the authority to seize the steel mills.

Checks and Balances are also illustrated. In this case the Executive branch was checked by the Congress and the Supreme Court decision also limited Executive power.

ANAGRAM SOLUTION

The President was ordered by the Supreme Court to give the steel mills back to their owners.

VI - G. THE PRESIDENT'S WAR POWERS

OBJECTIVES: In this lesson each student will:

1 - assume responsibility, as a member of a team, to learn about either the war powers of Congress or the war powers of the President, provided by the Constitution,

2 - meet with another team member to complete readings and worksheet materials concerning war powers, devise a strategy for teaching a team member about this information, teach this information to a teammate, administer a quiz to the teammate, tutor the teammate on important points that are not understood, and

3 - recognize the effort by Congress to limit the President's power in the War Powers Resolution of 1973.

PURPOSE: This lesson provides conditions needed for students to learn cooperatively the relative constitutional powers of the executive and legislative branches regarding defense and war.

INSTRUCTION

INTRODUCTION

Give the following directions for Partnership Learning:

1 - Two students form a team and choose to learn about the war powers of Congress (Partner A) or about the war powers of the President (Partner B).

2 - Each pair consults with another pair. Two team Partner A's receive worksheets on war powers of Congress; Partner B's receive worksheets on war powers of the President.

3 - Like-Partners A and B complete readings and compare answers to the worksheet questions and decide how to teach the material to their original Partner.

4 - Original Partners reunite. Each teaches the other material learned. Each checks understanding by asking the Partner the review questions.

TEACHING THE CONTENT

1 - After dividing the class into teams and giving instruction about the responsibility of each team member, distribute the appropriate **WORKSHEET** to each student. Ask students to notice that a direct quotation from the Constitution is given on the left side of the **WORKSHEET.** On the right side is information about that power that will help to understand the use of the power in actual practice.

2 - Students are to follow the procedure described in the INTRODUCTION to learn about the war powers of the Congress and the President.

3 - Distribute the **WAR POWERS RESOLUTION** handout.

4 - Tell students that the information on this page concerns situations during times when no war has been declared. Then ask students to read the material.

5 - Distribute the **SIMULATED COMBAT SCENARIO.**

6 - Ask students to read the simulated scenario and think about the answers to the questions listed at the end of the scenario.

7 - Assist students to understand what Congress attempted to do when they passed the War Powers Resolution. Then discuss their responses to the questions that follow the **SIMULATED COMBAT SCENARIO.** (See **TEACHER RESOURCES** for suggested learnings.)

CLOSING THE LESSON

1 - Have students answer the questions included on the **WAR POWERS QUESTIONNAIRE** handout.

2 - Have students complete the **LESSON EVALUATION** form.

WORKSHEET A
THE WAR POWERS OF CONGRESS

The Congress shall have Power

1 - To declare War,

The Constitution gives Congress the right to declare war. Sometimes the armed forces are used in combat without a declaration of war. If war is declared with another nation, trade and diplomatic relations are broken. Usually other nations take a position of neutrality which means they do not support either side. War causes a great deal of disruption and problems for all nations, not just those at war.

Questions:
Why might Congress hesitate to declare war?
When might Congress be justified in declaring war?
Can you think of a war going on today that our nation is not a part of but is causing problems for us?

---

2 - To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Congress is given the power to enlist and to draft men and women into the armed forces. Usually, Congress takes those citizens between the ages of 18 to 35 years of age, unmarried or without family obligations. Congress can buy or obtain materials to conduct a war, ration scarce goods or control prices of special goods. The armed forces must come to Congress at least every two years for money to conduct their affairs.

Questions:
Why does Congress need special powers during wartime that are not given in times of peace?
What would happen if the Congress did not appropriate funds to support the armed forces?

3 -	To provide and maintain a Navy;	The writers of the Constitution foresaw that the United States would need a navy since the states were bordered by the Atlantic Ocean. They could not foresee the need for an air force. In 1947 Congress passed a law to create an independent air force.
4 -	To make Rules for the Government and Regulation of the land and naval Forces;	Congress has the right to make rules for the armed forces. Persons in the armed forces may not have the same rights and constitutional freedoms guaranteed to civilians. In wartime, this power is shared with the President.
5 -	To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;	Militia are citizen soldiers controlled by the state until they are called for national service. At times in U.S. history armed uprisings have broken out. This is another name for insurrections. However, except for minor border fights, this country was invaded only once, in the War of 1812 by the British.
6 -	To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.	This means that Congress and the states cooperate to maintain the National Guard. In times of war the National Guard becomes part of the United States military force. In peace time the National Guard is under the control of the state governments.

REVIEW QUESTIONS

Congress has the power to:

1 - ________________ war,

2 - ________________ and ____________________ armies,

3 - ________________ and maintain a _______________________,

4 - make ______________ for the Government and Regulation of the land and ____________________ forces,

5 - ________________ forth the ________________ to execute the Laws of the Union,

6 - share with the states the arming and disciplining of the __________________ __________________.

WORKSHEET B
THE WAR POWERS OF THE PRESIDENT

1 - The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;	1 - The President is a civilian, who has control of the military forces. 2 - If the U.S. armed forces have taken over hostile or enemy territory, he decides on the conduct of affairs in that territory until Congress decides what is to happen. 3 - As Commander in Chief, he decides on the strategy for the way the war is conducted. 4 - While Congress declares war, the President gives the orders to the Army, Navy, or Air Force to take action. Sometimes even when Congress has not declared war, the President may order the armed forces into action. For example: A - President Polk sent troops into Mexican territory that led to the Mexican War. B - President Truman ordered troops into Korea to resist a communist take-over. C - Presidents Kennedy and Johnson ordered American forces into Vietnam. D - President Reagan ordered forces into Grenada and the Persian Gulf. 5 - While the President gives the orders to the military forces, he must go to Congress for money to support the efforts of the armed forces.
2 - and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.	While this power allows the President to pardon any person convicted of a crime in federal courts, it has been used in times of war to grant pardon to draft resisters or members of the armed forces. President Carter granted "full, complete, and unconditional pardon" to all persons who had violated the draft laws during the Vietnam conflict.

3 - He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;	To end wars, nations make treaties that lay out the conditions for stopping the conflict. Many decisions are made about territory, rules for paying for war costs, and displaced persons. While the President conducts the treaty negotiations, the Senate must approve the treaty by a two-thirds majority.

REVIEW QUESTIONS

1 - Place an "X" in front of the choices that tell which war powers belong to the President:

____A - Can call the armed forces into active service
____B - Can declare war
____C - Can appoint officers in the armed forces
____D - Can appropriate money for the military
____E - Can make treaties with the consent of the Senate
____F - Can grant pardons to persons convicted of federal crimes
____G - Can order the armed forces into action even when Congress has not declared war

2 - Read the following headlines and decide what war power is being used by the President.

A - President Lincoln grants reprieve for a sentry caught sleeping while on duty.

B - President Johnson appoints General Westmoreland to head American forces in Vietnam.

C - President Wilson goes to Paris to meet the allies to end World War I.

D - President Reagan orders the marines into Grenada.

THE WAR POWERS RESOLUTION

The Constitution does not clearly tell us in all instances when the President or when the Congress has the authority to act in an emergency situation. Therefore, the President and members of Congress sometimes disagree about what action the Constitution allows each of them to take. Conflicts often arise when Congress believes that the President has taken action that exceeds his authority.

Following the withdrawal of U.S. troops from Vietnam, Congress passed the War Powers Resolution in 1973 over President Nixon's veto. This legislation set new limits on the President's war powers. According to this Resolution:

A. In the absence of a declared war, the President is required to report to Congress in writing within forty-eight hours after committing any armed forces to foreign combat; and

B. The President must withdraw the troops in 60 days unless Congress declares war or authorizes continuation of the operation.

The Resolution represents an attempt by Congress to control the use of military forces abroad. However, all Presidents from Nixon to the present have argued that the War Powers Resolution unconstitutionally restricts their powers as Commander in Chief, and none has officially complied with its provisions.

SIMULATED COMBAT SCENARIO

Introduction: Following an investigation of terrorism, the United States government determined that the nation of Atlantis and its dictator are responsible for killing several visiting Americans when a bomb was exploded in another country.

Initial action: The President of the United States orders the bombing of Atlantis and sends troops into Atlantis.

Week 1 of the conflict: There are now 50,000 troops involved in a limited action. The President has announced that it is necessary to wipe out all terrorist bases and all terrorist activities in Atlantis. As expected, the largest threat to the troops has been the terrorist style of fighting of the Atlantis army. Public support in Atlantis for the dictator has become divided and some people from Atlantis join the U.S. troops.

Week 2 of the conflict: It seems unlikely that the U.S. will use all-out warfare, but will aid the increasing Atlantis forces who wish to remove the dictator from office.

Week 4 of the conflict: Congress has yet to grant an extended stay of the U.S. troops in Atlantis and many Congressmen are displeased with the President's continued use of force; they feel that the U.S. has made a strong statement against terrorism and now is the time to leave Atlantis. Some believe that the U.S. is using the same tactics as the terrorists and is no better than those they are fighting.

Week 8 of the conflict: This week the U.S. troops will have been engaged in action for more than 60 days. Since Congress has not extended the time limit, many people feel that the President should already have withdrawn the troops. Some think the President may not withdraw them until the dictator is overthrown -- no matter how long it takes.

QUESTIONS

1 - If this were a "real" situation would the President have the authority to do everything that he has done? Explain.

2 - Would the Congress have power to change the situation if they do not agree with what the President has done? What could Congress do?

3 - Could the Supreme Court take any action if a situation like this were actually to happen? Explain.

WAR POWERS QUESTIONNAIRE

Read each of the following statements. Decide whether the statement describes a situation that violates what is said in the U.S. Constitution. If the statement does not violate what is said in the Constitution, circle CONSTITUTIONAL. If it violates what is said in the Constitution, circle UNCONSTITUTIONAL. After the word REASON, write the statement in the Constitution that supports your answer.

1 - Feeling that the President is too slow in responding to an attack, Congress directly orders the army to take action.

CONSTITUTIONAL UNCONSTITUTIONAL REASON:

2 - As Commander in Chief of the military, the President is the highest ranking general in the army.

CONSTITUTIONAL UNCONSTITUTIONAL REASON:

3 - Disagreeing with the President's decision to send aid to a foreign nation, the Congress refuses to appropriate (or make available) the needed money.

CONSTITUTIONAL UNCONSTITUTIONAL REASON:

4 - Although the U.S. is not involved in a war, the President orders all males between the ages of 19 and 21 to report for military duty.

CONSTITUTIONAL UNCONSTITUTIONAL REASON:

LESSON EVALUATION

1 - Who seems to have more war powers, Congress or the President? Explain your answer.

2 - Although the Constitution gives many war powers to Congress, what accounts for the President actually having more say than Congress about the use of the armed forces?

3 - What are the two most important war powers that belong to the President? Explain your answer.

4 - What are the two most important war powers that belong to the Congress? Explain your answer.

TEACHER RESOURCES

TEACHING THE CONTENT - Step 7

Students should recognize that Congress attempted to place restrictions on the President's war powers when they passed the War Powers Resolution. However, as described in the **SIMULATED COMBAT SCENARIO**, the President is not likely to comply with the notification provisions of the War Powers Resolution. Thus Congress must be willing to take an extreme action such as the withholding of funds to support the military, if they are to have an immediate influence on the use of American armed forces in combat situations.

Over the long term, if public opinion opposes the President's use of the military in combat situations, the Congress would be in a stronger position to pressure the President to halt the military action. However, because the U.S. Supreme Court can only rule on cases properly brought before it, the Court would have no part in this controversy between the President and Congress unless, for example, the Justices decided it would be appropriate for them to rule on a case filed by some members of Congress who asked the Court to require the President to comply with the provisions of the War Powers Resolution.

WAR POWERS QUESTIONNAIRE

Responses to these questions should emphasize that Congress has authority to appropriate money (Question 3) and to raise an army (Question 4).

The President, as Commander in Chief, would be responsible for providing direction for the army (Question 1), but since it is believed that there should be civilian control of the military, the President could not hold a position of general in the army (Question 2).

CHAPTER VII

LIMITED GOVERNMENT, CIVIL RIGHTS AND LIBERTIES

CHAPTER VII

LIMITED GOVERNMENT, CIVIL RIGHTS AND LIBERTIES

OVERVIEW

The lessons in this chapter continue the theme that has been prominent in the two previous chapters; the Constitution provides the guiding rules for the dispersal of power in American government. These guidelines are designed to ensure that no one person or institution becomes too powerful. In addition to dividing power into three separate branches and dividing power between the national and state governments, the Constitution also specifies limitations on the power that government may use against the citizenry.

The initial lesson highlights important provisions enumerated in Amendments I, IV, VI and VIII in the Bill of Rights. Student exercises are designed to teach the importance these and other provisions in the Bill of Rights have for maintaining an open and a free society. The remaining lessons expand on this theme. The next lesson provides an analysis of the Free Press Clause of Amendment I. The landmark case of Near v. Minnesota conveys the message that the freedoms listed in the Bill of Rights are not absolute. Indeed, there are times of emergency when constitutional provisions may be suspended if the national security is endangered. A case study of the Japanese-American internment during World War II illustrates the complexity of issues surrounding the protection of civil rights.

The final lesson also stresses rights listed in the Constitution that are designed to protect individuals from a powerful government. In this instance, however, students are asked to identify conditions in a hypothetical drama that violate provisions contained in the body of the Constitution and in the Bill of Rights. The lesson thus serves to determine if students understand the constitutional provisions studied throughout this Chapter.

LISTING OF LESSONS IN THIS CHAPTER

VII - A. LIMITED GOVERNMENT AND THE BILL OF RIGHTS

VII - B. FREEDOM OF THE PRESS

VII - C. SUSPENDING CIVIL LIBERTIES

VII - D. UNLIMITED GOVERNMENT - A PLAY

VII - A. LIMITED GOVERNMENT AND THE BILL OF RIGHTS

OBJECTIVES: Students are expected to:

1 - know that the first ten amendments are called the Bill of Rights,

2 - recognize why the Bill of Rights was added to the Constitution, and

3 - identify several provisions in the Bill of Rights.

PURPOSE: This lesson is designed to teach students that the Constitution limits the authority that the government can exercise over U.S. citizens.

INSTRUCTION

INTRODUCTION

1 - Ask students to remember how the Constitution limits the concentration of governmental POWER. How does the Constitution try to divide POWER so that no one person or group of people have too much POWER? Use responsive questioning to enable them to recall that this is accomplished by providing for a SEPARATION OF POWERS (dividing POWER among the three branches) and FEDERALISM (dividing POWER between the national government and the state governments.)

2 - Inform the students that this lesson will help them to understand that the Constitution also limits the POWER that the national government may use against us (the citizens).

TEACHING THE CONTENT

1 - Ask students, "What rights do we as U.S. citizens have that cannot be taken away by the government?"

2 - List their suggestions on the board. Then ask, "Why can't government take these rights away from people?"

3 - If they suggest that the rights are guaranteed by the Constitution, ask: "Are you sure that the right is listed in the Constitution?"

4 - Distribute the **BILL OF RIGHTS - ACTIVITY** handout. Have students answer the nine questions.

5 - Ask students the following and record the numerical results on the board. How many of you marked the answers:
    a. All false
    b. All true
    c. Mostly false
    d. Mostly true
    e. About half and half

6 - Distribute **SELECTED AMENDMENTS FROM THE BILL OF RIGHTS** (or tell students where to find the Bill of Rights in their textbook).

7 - Ask students, working in groups, to determine if they want to change any of their answers after looking at Amendments I, IV, VI, and VIII.

8 - Ask students to refer to the appropriate provisions in the Bill of Rights to explain why the answers to all the nine items are false.

9 - Refer back to the listing of rights placed on the board at the beginning of the lesson and determine how many are mentioned in these amendments.

10 - Ask: "What is the Bill of Rights?" Be certain that students understand that the term refers to the first 10 Amendments to the Constitution.

11 - Ask: "Why was the Bill of Rights added to the Constitution?" (See **TEACHER RESOURCES** for a discussion of the reasons associated with the proposal for adding the Bill of Rights to the Constitution.)

12 - Ask students to decide what this discussion should teach us about the relationship of government to the rights of citizens that are listed in the Bill of Rights.

These provisions in the Bill of Rights concern areas in which the government's authority over citizens is limited. These are freedoms that people have that the government cannot take away from them--although they could be taken away by amending the Constitution.

Students also should be informed that the Bill of Rights originally applied only to the national government, but now almost all, but not all, of its provisions have been applied via the Fourteenth Amendment, as restraints upon state and local governments.

CLOSING THE LESSON

Have students complete the **BILL OF RIGHTS - EVALUATION** form.

BILL OF RIGHTS - ACTIVITY

For each of the following, circle the correct answer. Be prepared to explain your answer.

1 - It is your constitutional right to criticize the President's ideas, but once he has made a decision you need to support that decision.

TRUE FALSE

2 - Groups that preach racism, like the Nazis or the Ku Klux Klan, are not legally permitted to have meetings.

TRUE FALSE

3 - If courts in the area where you allegedly committed a crime are too crowded, you can be tried elsewhere in the state.

TRUE FALSE

4 - To combat criminals effectively, police may secretly break into the headquarters of suspected groups without warrants to obtain evidence of their activities.

TRUE FALSE

5 - Newspapers may be forbidden to print articles they have prepared if the government feels those stories might be embarrassing to people in the government.

TRUE FALSE

6 - Police may search your home without a search warrant so long as you only rent and do not own the home.

TRUE FALSE

7 - If witnesses do not want to testify against you at your trial, their written statements may be used against you in court.

TRUE FALSE

8 - If you can't afford a lawyer, you'll either just have to defend yourself as best you can or get a friend to help defend you.

TRUE FALSE

9 - The government has constitutional authority to torture convicted drug pushers to set examples in our war on drugs.

TRUE FALSE

SELECTED AMENDMENTS FROM THE BILL OF RIGHTS

(The first ten amendments were ratified on December 15, 1791)

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

TEACHER RESOURCES

Why was the Bill of Rights added to the Constitution?

The lack of a bill of rights proved to be the strongest argument for those who opposed the ratification of the proposed Constitution. Led by persons such as George Mason, who was a member of the Convention, and Patrick Henry, who chose not to attend the meeting in Philadelphia because he "smelt a rat," the opponents of the new Constitution (called Antifederalists) claimed that the new national government, with the power to act directly on the people, would have power to deny citizens many of their rights. Therefore, an enumeration of these important rights must, they argued, be added to the Constitution.

This position gained support when Massachusetts, the sixth state to ratify the Constitution, recommended amendments that they believed belonged in a bill of rights. And, in order to secure ratification in several of the crucial states (New York, Virginia and North Carolina), the Federalists agreed to propose constitutional amendments that would be designed to protect civil liberties, in the first Congress that would meet in 1789.

Ironically, it was James Madison, a Federalist, who led the fight for a bill of rights in the first Congress. Realizing that its addition would calm the fears of many concerning the power the national government might exercise over the citizens, Madison labored long and hard to secure Congressional approval. He realized as well, no doubt, that the addition of a bill of rights to the Constitution would remove the most effective argument available to those who wanted to call a second convention for the purpose of removing some of the powers given to the national government by the Philadelphia Convention of 1787.

The result was the addition of the first ten amendments to the Constitution. These amendments list rights which the people of the United States possess and which cannot be taken away by their national government. Their ratification was completed in 1791. Most, but not all, of the provisions in the Bill of Rights now apply as restraints upon state and local governments as well.

The Tenth Amendment, directed more at the protection of states' rights than of natural rights, undercut a second major argument against the Constitution.

BILL OF RIGHTS - EVALUATION

Fill in the blanks with the correct information.

AMENDMENT I

The First Amendment guarantees freedom of a)________________, b)____________________________, c)_________________________________, and d)__________________________.

AMENDMENT IV

No police officer or other government official may __________ you or your ________________ unless they have a valid ______________. Warrants are to be issued only upon showing ____ that it is reasonable to believe the person or thing will be found in the place to be searched.

AMENDMENT VI

Everyone is entitled to these when accused of a crime:

a) A speedy and public ______________________________,
b) An impartial _____________________________________,
c) Be informed of ____,
d) May call ____,
e) May have the assistance of ________________________________, and
f) Be tried in what location? _____________________________________.

AMENDMENT VIII

A person accused of a crime may not be made to pay a ______________ that is too high for the crime, nor be subjected to punishment that is ______________ and unusual.

Why was the Bill of Rights added to the Constitution?______________
____
____
____
____

VII - B. **FREEDOM OF THE PRESS**

OBJECTIVES: Students will learn that:

1 - despite the absolute language that Congress (and state and local governments) shall make no law abridging freedom of the press, under certain very limited circumstances those who print materials may be prevented from doing so or be punished if they have done so,

2 - there are degrees of freedom involved in issues that concern freedom of the press,

3 - Supreme Court cases help to provide guidelines for free press issues, and

4 - Near v. Minnesota was a very important Supreme Court case concerning freedom of the press.

PURPOSE: The purpose of this lesson is to teach that, although the freedoms listed in the Bill of Rights are important protections for citizens against governmental regulation, these freedoms are not absolute.

INSTRUCTION

INTRODUCTION

Ask students to recall what the First Amendment of the Constitution says about the subject of free speech and press. Use responsive questioning to help them recall the important elements: "Congress shall make no law. . . abridging the freedom of speech, or of the press."

Ask students what those words mean. Do they mean that Congress (the national legislature) is absolutely prohibited from limiting what is printed (published)?

Inform students that in this lesson they will learn more about the meaning of those words in the First Amendment.

TEACHING THE CONTENT

1 - Distribute the **FREE PRESS ISSUES** handout. Ask students, working in groups, to order the activities on a continuum from 1 to 5 as instructed on the handout.

2 - Ask a representative from each group to write their ranking on a chart placed on the board. (See **TEACHER RESOURCES** for a suggested format.) Do not provide a "correct" ranking at this point in the lesson.

3 - Ask the students to decide how many of these five activities the government could prohibit.

4 - Have a representative from each group report their decision. Ask them to explain the reason for their decision. (Again, do not provide a "correct" answer. Inform the students they will have an opportunity to change their ranking and their choice about which activities can be prohibited by the government before the lesson is finished.)

5 - Distribute the **NEAR v. MINNESOTA** (1931) U.S. Supreme Court case.

6 - Have students read the case and write a description of how they believe the case should be decided.

7 - Have a representative from each group explain how they believe the case should be decided.

8 - Distribute copies of **THE COURT'S DECISION IN NEAR** (or tell the students what the Court decided).

9 - Ask the students to return to the answers they provided in numbers one and three above. Ask them if, in light of what they have learned in this lesson, they would change any answers. (See **TEACHER RESOURCES** for a discussion of the "correct" answers.)

10 - Have students describe what changes they would make and explain why these changes are needed.

CLOSING THE LESSON

1 - Have each group of students construct an anagram that describes an important point learned in this lesson. Limit the anagram to fewer than 25 words. The group will submit the solution to you.

2 - Have a representative from each group write their anagram on the board.

3 - The other groups are to solve the anagrams. The first group to solve correctly (in writing) three anagrams could be provided with an appropriate award. Alternatively, the group able to construct an anagram that others cannot solve could receive an award (provided the anagram is directly related to a major learning in the lesson.)

FREE PRESS ISSUES

Rank the following activities from 1 to 5, with "1" being the activity that requires the least amount of freedom (the press would be permitted to do this nearly everywhere) to "5" being the activity that requires the most freedom (the press would be permitted to publish this only in those places where a great deal of freedom is allowed).

___ A newspaper publishes information that criticizes a public official.

___ A magazine publishes information that they know is false about a person in an effort to damage the person's reputation.

___ A newspaper is allowed to publish an article about a particular subject even after it has been convicted of knowingly publishing false information about the subject at an earlier time.

___ A newspaper publishes accurate information about a baseball game.

___ A magazine publishes a list of military secrets during wartime that will place the lives of American soldiers in danger.

NEAR v. MINNESOTA (1931)

In 1925, the Minnesota legislature enacted a law which provided that any newspaper, magazine, or other periodical publishing "malicious, scandalous and defamatory," or "obscene" matter could be declared a public nuisance. Such publications could then be "locked up" and prohibited from any future publication.

Mr. Near published a weekly newspaper in which he attacked local public officials, charging them with corruption, wrongdoing and association with gangsters. The county attorney filed a suit in court claiming that under the provisions of the 1925 law, the newspaper should be prohibited from any future publication.

If you were a member of the U.S. Supreme Court, would you agree with the county attorney? Explain your decision.

THE COURT'S DECISION IN NEAR

In this case, a 5-4 majority of the U.S. Supreme Court decided that the law was a violation of the First Amendment prohibition against Freedom of the Press.

They held that the Minnesota law was a PRIOR RESTRAINT on the press. (Prior restraint, or prior censorship, refers to stopping the publication of something before it is decided that the material violates the law.) Chief Justice Charles Evans Hughes, speaking for the court, declared the Minnesota law to be "the essence of censorship."

The Justices did say, however, that there may be some instances when the government may be justified in asking for a PRIOR RESTRAINT, for example, during wartime.

TEACHER RESOURCES

TEACHING THE CONTENT - Step 2

Following is a suggested format for recording the student groups' ranking on the board:

RANKING FOR GROUP 1	RANKING FOR GROUP 2	RANKING FOR GROUP 3	RANKING FOR GROUP 4	FREE PRESS ITEM	CORRECT RANKING
				Criticizing a public official	2
				Publishing false information to ruin a reputation	4
				Publishing after an earlier conviction	3
				Writing about a baseball game	1
				Publishing military secrets during wartime	5

TEACHING THE CONTENT - Step 9

Following the study of Near v. Minnesota, students should realize that the principle of PRIOR RESTRAINT would not allow the government to stop a publication because of a previous conviction. This is the middle (Number 3) item on the continuum. Most students will agree that the U.S. government could not prohibit the report of a baseball game or the criticism of a public official.

The other two items are more difficult to comprehend. Knowingly publishing false information with the intent to damage a person's reputation is called "libel." Although the person responsible would be found guilty of libel if clear evidence of knowingly publishing false information with intent to harm a person's reputation is available, the government would not be able to prohibit the publication in advance. The government would, however, be able to stop publication of military information during wartime if they could provide adequate evidence to a judge that soldiers' lives would be endangered if the information were published.

VII - C. SUSPENDING CIVIL RIGHTS

OBJECTIVES: Students will:

1 - identify two portions of the Constitution which concern civil liberties,
2 - identify two safeguards of our civil rights,
3 - be able to name one civil right which was violated under Executive Order #9066,
4 - be aware of at least two of the political, economic, or social forces which influenced the Japanese relocation order during World War II, and
5 - identify with the feelings of persons who were placed in internment camps during World War II.

PURPOSE: Students will recognize that civil rights are not guaranteed merely because they are stated in the Constitution.

INSTRUCTION

INTRODUCTION

1 - Ask students, "Should the government have the right to suspend the rights of citizens during times of great difficulty?" such as riots, invasions and wars. Write their responses on the board in two columns. In column 1 place the arguments that support the government's power to suspend citizen rights and in column 2 place the arguments that say the government should not have this power.

2 - Distribute the **WAR AND CIVIL RIGHTS** handout. Ask students to read the questions.

3 - Tell students that the answers will not be discussed now; however, they should continue to look for answers to these questions during this lesson. The lesson will concern the extent to which the government may take away civil liberties during wartime.

TEACHING THE CONTENT

1 - Distribute the handout titled: **THE CONSTITUTION, CIVIL RIGHTS, AND WARTIME.** Ask students to read the sections from the Constitution.

2 - Explain the meaning of: Writ of Habeas Corpus and due process of law. (See **TEACHER RESOURCES** for points to emphasize.)

3 - Have students read the segment about **"THE JAPANESE-AMERICAN INTERNMENT (1942-1944)."** Ask them to write answers to the questions that follow this segment.

4 - Ask students to share their answers with a group of four or five other students.

5 - See **TEACHER RESOURCES** for an activity that may be used to help students understand the feelings of an interned Japanese-American. After the students have listened to the story, have pairs of students tell one another how they might have felt if they had been one of the Japanese-Americans who was placed in the relocation camp.

6 - Guide students to the understanding that safeguards for civil liberties depend not only on actions by governmental officials, but also on the will of the people. (Note that there apparently were people who did not want the Japanese living near them. Some of these people were afraid because they thought the Japanese would help Japan in the war, and some were interested in obtaining the rich farmland and other property owned by the Japanese.)

7 - Return to the **WAR AND CIVIL RIGHTS** handout and ask students to answer the questions.

8 - Ask a representative group of students to tell how they answered the questions. Does everyone agree with these answers? Why? Why not? (See **TEACHER RESOURCES** for the correct answers.)

9 - Return to the list of arguments placed on the board at the beginning of the lesson. Ask students to describe the consequences that may occur as a result of each item listed. (Note that a strong case can be made for each side of the argument.)

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** form.

WAR AND CIVIL RIGHTS

Circle the answer that you believe is correct for each of the following:

1 - In times of war the government can have you arrested without telling you why you are being held.

TRUE FALSE

2 - The government can take away your property during wartime without a trial and without paying you for it.

TRUE FALSE

3 - An executive order comes from the President.

TRUE FALSE

4 - The Supreme Court may not overrule an executive order.

TRUE FALSE

5 - The Senate must approve an executive order.

TRUE FALSE

6 - The Writ of Habeas Corpus refers to people who are dead.

TRUE FALSE

7 - People born on United States soil are American citizens.

TRUE FALSE

8 - During World War II, all of the Japanese-Americans living on the west coast were rounded up and placed in camps that were located some distance from the Pacific Ocean.

TRUE FALSE

THE CONSTITUTION, CIVIL RIGHTS, AND WARTIME

ARTICLE I, Section 9, Clause 2:

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or invasion the public Safety may require it.

AMENDMENT V:

No person shall. . . be deprived of life, liberty, or property, without due process of law. . . .

THE JAPANESE-AMERICAN INTERNMENT (1942-1944)

Not long after the Japanese government ordered the attack on Pearl Harbor on December 7, 1941, President Franklin D. Roosevelt ordered that all Japanese, including American citizens of Japanese ancestry, be arrested and moved into relocation camps. This was accomplished after President Roosevelt issued Executive Order #9066--an action the President can take without Congressional approval.

No charges were made against anyone, and no trials were held. Yet all these people, most of whom were American citizens, lost their freedom. In some cases they were able to sell their property during the few hours they were given before they were to report to be transported to the relocation centers. But they usually received only a small fraction of the real value of the property, and many were not able to obtain any money for the property that they owned.

The government released the Japanese in 1944 about a year before the war ended. There was no compensation, apology, or admission of wrong doing from the U.S. government. In fact, in Korematsu v. United States (1944), the U.S. Supreme Court declared that the relocation order did not violate the Constitution.

1 - Should there be a difference in laws during wartime and peacetime?

2 - If the government wanted to take away your property and freedom, what would be your rights under the Constitution?

3 - Could what happened to the Japanese-Americans happen again?

TEACHING THE CONTENT - Step 2

The writ of habeas corpus is an order that enables a person to be brought before a judge to determine whether the person has been unlawfully detained.

Due process of law refers to following known and fair procedures when dealing with persons accused of some violation of the law.

TEACHING THE CONTENT - Step 5

Have students close their eyes, imagine that they are Japanese-American citizens in one of the internment camps, and listen to the following story that might have been told by another person in the camp:

I am a man, 50 years old. I had a nice farm, the land was very rich, and I worked many hours each day out in the fields. One day when I came back to my house after working in the field, a soldier told me that our entire family would have 24 hours to report to the railroad station in town. I said that I needed to stay to care for my property because some of the people had been calling me and my family "Japs." They even threw rocks at our windows. Besides, I told him that none of my three children could speak Japanese, that we were completely loyal to the United States, and that one of my sons was serving in the U.S. Army. He said that none of these things mattered; in fact, there was no acceptable excuse--we must all report to the train station tomorrow night at 6 p.m. And he said he did not know if or when we would be able to return. He suggested that I sell everything, because we could only take along whatever we could carry.

I did what I could the next day to sell my property. But the best I could do was get about ten percent of the real value of the land. Nobody would pay me any more than that. We just had to leave most of what we owned behind.

The next night when we arrived at the train station, we found that all of the Japanese people in our community were there. We were placed in a train car and taken here to this camp out in the desert. We have been here for more than a year. I don't know when we can leave or what I will do when we are allowed to leave.

TEACHING THE CONTENT - Step 8

1 - True

2 - True

3 - True

4 - False

5 - False

6 - False

7 - True

8 - True

LESSON EVALUATION - Question 4

Ironically, in Hawaii, which had recently been attacked by Japanese planes and which had a huge Japanese and Japanese-American population, no such restraints occurred. Faced with a population so large that it could not be transported or confined, the U.S. was required to deal with possible pro-Japan activities on an individual basis rather than punish an entire population. No acts of sabotage in Hawaii were discovered during the War.

LESSON EVALUATION

1 - List one civil rights protection listed in the Constitution that we studied in this lesson.

2 - Give an example that shows how the protection that you listed in your answer to question one was violated during World War II.

3 - Name two reasons why Japanese citizens were relocated during World War II.

4 - Why do you suppose that Japanese-Americans were treated so differently in Hawaii?

5 - List the main arguments that you would make to the U.S. Supreme Court for those Japanese-Americans who were seeking to be released from the internment camps.

VII - D. **UNLIMITED GOVERNMENT - A PLAY**

OBJECTIVES: In this lesson students will:

1 - define vocabulary associated with the civil rights and liberties that are included in the Constitution, and

2 - recognize actions that illustrate the concept of unlimited government.

PURPOSE: Students will understand that several provisions in the Constitution are intended to ensure that the power of government is used in a manner that follows regular procedures that are known in advance.

INSTRUCTION

INTRODUCTION

1 - Place the words LIMITED GOVERNMENT and CIVIL RIGHTS on the board.

2 - Inform students that these words describe the most important ideas in this lesson.

TEACHING THE CONTENT

1 - Distribute the **LIMITED GOVERNMENT PRETEST.** Have students complete the exercise.

2 - Discuss the terms. Ask the students for examples of the meaning of these terms (but do not provide answers at this point in the lesson).

3 - Distribute the **CIVIL RIGHTS AND THE CONSTITUTION** handout (or have students use their text to read ARTICLE I, Section 9, Clauses 2 and 3; Amendments I, V, VI and XIV).

4 - Either have students perform the **UNLIMITED GOVERNMENT PLAY**, if selected students have prepared it in advance, OR have the students read the **PLAY.** (Another option is to video tape the **PLAY** and show it to the class.)

5 - Distribute the **UNLIMITED GOVERNMENT WORKSHEET.** Have students read the instructions and explain that they are to look for examples of unlimited government in the **PLAY.**

6 - Tell students that the **PLAY** will be repeated (or reread, if the **PLAY** is not performed by students). As it is repeated (or reread) students should identify three (3) actions that describe unlimited government and one (1) action that describes a limited government. These actions should be recorded on the **WORKSHEET**.

7 - Repeat the **PLAY** (or reread the **PLAY**).

8 - Have students share their insights with other members of the class. (See **TEACHER RESOURCES** for suggested answers.)

CLOSING THE LESSON

Have students complete the **LESSON EVALUATION** handout.

LIMITED GOVERNMENT - PRETEST

DIRECTIONS: Read the definitions below carefully. Write the letter of the correct term next to the definition.

___ 1. Government that protects the rights of the individual citizens.

___ 2. A list of personal rights and liberties guaranteed by the Constitution.

___ 3. Restrictions on the procedures through which government may exercise authority over citizens in criminal cases.

___ 4. A prisoner is brought before a judge to see if the prisoner is being held lawfully.

___ 5. Rights of people to act and speak so long as they do not harm others.

___ 6. One person in the same category is treated the same as all other people who are in that same category.

___ 7. Punishment for an action that was not a crime when it occurred but was declared to be a crime at a later time.

A. DUE PROCESS OF LAW

B. EX POST FACTO LAW

C. CIVIL RIGHTS

D. EQUAL PROTECTION OF THE LAWS

E. BILL OF RIGHTS

F. LIMITED GOVERNMENT

G. WRIT OF HABEAS CORPUS

WORKSHEET

DIRECTIONS: List four (4) activities that take place in the skit which illustrate limited government or unlimited government. For each activity check the result in either the limited government or the unlimited government column. You need to identify three activities that illustrate unlimited government and one activity that illustrates limited government. Then determine what part of the Constitution applies to the activity that you identified.

ACTIVITY	LIMITED GOVERNMENT	UNLIMITED GOVERNMENT	CONSTITUTIONAL PROVISION

UNLIMITED GOVERNMENT PLAY

ACT I

SCENE 1: A CLASSROOM IN A JUNIOR HIGH SCHOOL

CAST:
NARRATOR
TEACHER
BULLY #1 - ADOLPH
VICTIM (A student with brown eyes)
PRINCIPAL
BULLY #2 - BENEDICT

NARRATOR: School has changed for Victim. Teacher now talks against him and makes fun of his mom and dad. Teacher says that all of Victim's accomplishments are accidents and/or never really happened. He tells Victim to stop lying about what he knows to be true. It has now become the correct and right thing for bullies to tease and beat up Victim's group during and after school. Over the last two months Victim has become very tired of being called wimpy by all his classmates.

SETTING: THE BELL RINGS -- STUDENTS FILE INTO EIGHTH GRADE HISTORY CLASS.

ADOLPH: (Enters and puts tacks on Benedict's seat.)

BENEDICT: Did you get the tacks on the right seat?

ADOLPH: Everything is going according to our plan.

(VICTIM ENTERS THE CLASSROOM.)

BENEDICT: He's the one! (Pointing at Victim.)

ADOLPH: (To the teacher) He stole the tacks from your desk! Victim is always causing trouble.

TEACHER: You're always doing things to disrupt the class. Some people with brown eyes are always getting into trouble and making it bad for the rest of us. I want you out of this class and I don't want you in this school again!

VICTIM: (Backs away, feeling betrayed, confused, scared.) But Teacher. . .

TEACHER: If you apologize to the entire class including myself, this instant, I will see to it that you are not expelled.

VICTIM: (Still afraid, faces the class) I apologize Teacher, but I really. . .

TEACHER: (Interrupting Victim) I'm sorry, I can't accept that apology, go to the principal. Adolph take him.

VICTIM: But Benedict is a brown eye too! Why don't you treat him like you treat me?

TEACHER: Benedict is a good brown eye. He doesn't live in the area of town where you live. Take him away, Adolph.

SCENE 2: IN THE HALLWAY

(Adolph and Victim walk to the Principal's office.)

VICTIM: I saw you putting the tacks on Benedict's seat. Why are you picking on me?

ADOLPH: (Grabs his shirt) You brown eyes are stupid, smelly, and we don't want you here anymore. I can't wait to see what the Principal does to you.

SCENE 3: PRINCIPAL'S OFFICE

PRINCIPAL: Come in.

(Adolph opens the door and pushes Victim inside and stands at the door acting as a guard.)

PRINCIPAL: You again! What is it this time?

VICTIM: I didn't do anything, Sir.

PRINCIPAL: (Takes a list out of a folder.) I have a long list of offenses that have taken place over the last two months: food fights, graffiti on the walls, you stole the flag, just to name a few.

VICTIM: But I didn't do any of those things, Sir.

PRINCIPAL: Are you calling me a liar? (Before Victim can reply, Principal grabs a belt and starts hitting him -- laughing with each whack -- three times.) Get him out of here!

(Adolph pushes him out the door and out of school.)

NARRATOR: Later that day Victim learned that his father had gone to school to protest the unfair treatment of his son. A day later his father was fired from his job. The following day Victim's father was handcuffed by police and put in jail for over six weeks without being told what he had done wrong.

Fortunately, many citizens became concerned about Victim's father and several other people who were treated in a similar manner by the governmental officials. These citizens joined together and demanded that Victim's father be released from prison or given a trial where a jury would decide if he had committed a crime.

The governmental authorities charged Victim's father with being disrespectful to governmental officials. They agreed to allow a jury to determine his guilt or innocence. Fortunately, by this time, conditions in the community had changed and many citizens demanded that people should receive fair treatment from governmental officials. Thus the jury decided that Victim's father was innocent of all wrongdoing. Furthermore, it was directed that Victim's father should regain his job and receive backpay for the days that he spent in jail.

CIVIL RIGHTS AND THE CONSTITUTION

ARTICLE I, Section 9, Clauses 2 and 3.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT V.

No person shall. . . be deprived of life, liberty, or property, without due process of law. . . .

AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. . . .

AMENDMENT XIV.

[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

TEACHER RESOURCES

Answers to **LIMITED GOVERNMENT - PRETEST**

1 - F

2 - E

3 - A

4 - G

5 - C

6 - D

7 - B

SUGGESTED ANSWERS FOR THE **WORKSHEET:**

1 - Limited (Constitutional) governmental action:

A. In the very last section presented by the Narrator, Victim's father had his case heard by a jury (Amendment VI).

2 - Unlimited (Unconstitutional) governmental actions:

A. At the end of Scene 1, it is noted that Victim is treated differently than Benedict, who also has brown eyes. This could be a denial of equal protection of the laws (Amendment XIV).

B. In Scene 3, Principal accuses Victim of committing several offenses but does not allow Victim to provide any explanation that might show that these are false accusations. This is a violation of due process of the law (Amendment V and Amendment XIV).

C. In the final section presented by the Narrator, Victim's father is jailed for six weeks without being brought before a judge to hear what charges have been placed against him. This is a denial of the Writ of Habeas Corpus (ARTICLE I, Section 9, Clause 2).

CHAPTER VIII

CULMINATING ACTIVITY

VIII - A. **ESTABLISHING A SOCIETY: A SIMULATION**

OBJECTIVES: Students playing the role of space travelers stranded on an earth-like planet will:

1 - evaluate what steps they must take to survive,

2 - decide how to structure a government that will fulfill their needs, and

3 - review the significant role performed in American society by fundamental concepts and processes such as law, government, courts, executives, legislators, checks and balances, limited government, constitution and democracy.

PURPOSE: This lesson will provide an opportunity for students to review several basic concepts and principles that need to be understood in order to comprehend the influence exerted by the Constitution in American society.

INSTRUCTION

INTRODUCTION

1 - Place the following words on the board:

LAW - GOVERNMENT - SEPARATION OF POWERS - DEMOCRACY
CONSTITUTION - COMPROMISE

2 - Ask students, working in groups, to recall the meaning of each term.

3 - Inform students that during this lesson they will play the role of space travelers who become stranded on an earth-like planet that has no other inhabitants. Their assignment will be to determine how they can survive and prosper in this environment.

TEACHING THE CONTENT

1 - Distribute the **SITUATION** handout. Have students read the story.

2 - Provide students with the handout titled: **WHO WILL SURVIVE?**

3 - Have students, working in groups of four to six members, decide how to answer the questions posed on the **WHO WILL SURVIVE?** handout.

4 - Provide each group with a posterboard. One member of each group should write the group's answers on their posterboard.

5 - When finished, place each poster on the wall.

6 - Determine which group has the best chance for survival by comparing the answers given by each group. (See **TEACHER RESOURCES** for suggested items that may be emphasized.)

CLOSING THE LESSON

Have students write an answer to the **LESSON EVALUATION** question.

SITUATION

Now 2000 2020

The year is 2020. In 2000, the United States sent its first expedition for the purpose of settlement to a planet much like earth called Pangea (Greek = all earth), located in the Alpha Centari solar system. The starship, named Intrepid, consisted of 50 crew members and 80 passengers. The crew carried on scientific studies of space, as well as guided the Intrepid to Pangea. The passengers consisted of 30 adults and 50 eighth grade explorers, one of whom was you. The normal passage of time was suspended for all the passengers, which meant that they did not age during their 20-year trip.

Upon approaching Pangea, the ship encounters asteroids, many of which bombard the starboard side of the starship. During this time, all the adults die when their compartments are struck by the asteroids. In addition, because they are quartered on the starboard side of the ship, the crew also perishes. You decide to act when you realize that the asteroids are about to destroy completely the damaged starship. With the starship immobile, you also realize that you have only one chance to save the explorers' lives. You direct the other explorers to the ship's shuttle. Instantly, all 50 of you are transported to the surface of the earth-like planet of Pangea.

Your resources are the planet itself, the space shuttle, and the other passengers. Fortunately, the planet is just like earth, with climate, vegetation, and geography similar to that found in Hawaii. Furthermore, the gravitational characteristics on Pangea are identical to that on earth. Unfortunately, there are no plants or animals that can be eaten by humans. The shuttle's data banks contain all knowledge synthesized by humans on earth. The shuttle's storage compartments contain medical supplies, seeds for planting fruits and vegetables, and sufficient food and water for one year. Because rationing is needed, fighting immediately erupts among the explorers.

WHO WILL SURVIVE?

1 - What would you do first? Explain why.

2 - Is some form of government needed? Explain.

3 - What form of organization would you choose? Explain.

4 - Would it be necessary to write down a list of fundamental rules that can be used to govern your community?

5 - Would the same person(s) make, enforce and judge the rules? Explain.

6 - How would you ensure that people worked together?

TEACHING THE CONTENT - Step 6

Question 2. Lesson I - A in this book introduces the functions of government. They include making, administering and interpreting laws, acquiring and allocating resources, and providing safety in domestic and foreign affairs. All of these functions, with the possible exception of concern about foreign affairs, provide a justification for establishing some form of government.

Question 3. Discussion should include consideration of a representative form of government where each person has an opportunity to suggest the best policies.

Question 4. This question refers to information provided in lessons I - B and I - C. The functions of law and the role of a fundamental law (constitution) should be discussed. The fundamental law provides a description for the procedure and the institutions used to formulate ordinary rules as well as guidelines for determining if these ordinary rules are fair and just.

Question 5. Discuss the strengths and weaknesses of a democracy or a dictatorship. A dictator can make decisions in a shorter period of time than may be needed in a democracy, but the long-term support and cooperation of the people may be endangered if selfish decisions are made by the dictator.

Question 6. The need for compromise and negotiation in decision making should be discussed. If people are to cooperate willingly, they need to know that their needs are being considered by those who make decisions. Thus you can emphasize that the form of governmental structure and the processes used by the people in government are important, but an equally important (perhaps even more important) ingredient is the attitude of the people involved in the governmental process. They must be willing to consider seriously the concerns and needs of all people.

LESSON EVALUATION

Which idea that we have studied in this lesson is most important for providing the kind of country that you want to live in?

Your answer must include at least the following:

1 - A statement that expresses your conclusion, and

2 - at least three reasons that support your conclusion.

These lessons for teaching Junior High School students about the Constitution are grounded firmly in the actual experiences of teachers in the classroom. The lessons also include approaches which Junior High School teachers recognize as innovative and pioneering.

These lessons take into account the characteristics and needs of early adolescent students. Difficult concepts are introduced using concrete and clear examples. Students learn the meaning of key concepts such as government, law, and Constitution. Then they proceed to examine issues and events surrounding the history of the United States Constitution. Finally, students are introduced to complex concepts such as the amendment process, federalism, and separation of powers, as well as limited government, civil rights and liberties.

Throughout the lessons students are viewed as active learners. Opportunities are frequently provided for individual desk work, group discussion, role playing, and writing.

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